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DEPARTMENT OF THE INTERIOR

DRAFT
ENVIRONMENTAL STATEMENT

Proposed

NATIONAL RESOURCE LANDS MANAGEMENT ACT OF 1973

Prepared by

Bureau of Land Management

Curt Berklund
Director

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Summary

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Draft Environmental Statement

Department of the Interior

1. Type of Action: Legislative Proposal

2. Brief Description of Action: This proposal provides basic policies and authorities for management of the national resource lands by the Secretary of the Interior through the Bureau of Land Management. These lands total 450 million acres; 275 million acres in Alaska and 175 million acres in the 11 western States. The Act provides for management of all resources, land disposal and acquisition, administrative authorities and enforcement authority. Outdated or conflicting laws are repealed or modified.

3. Summary of Environmental Impact and Adverse Environmental Effects: The provisions of the bill would create no new adverse impacts on the environment. A major justification for this legislation is the grant of comprehensive authority to protect the environment.

4. Alternatives Considered: There were four alternatives considered including: (a) propose no legislation; (b) propose several laws; (c) propose broader legislation and (d) propose dominant-use legislation.

5. Comments have been requested from the following:

Department of Agriculture
- Forest Service

Department of the Interior
- Office of Land Use and Water Planning
- Bureau of Sport Fisheries and Wildlife
- National Park Service
- Bureau of Reclamation
- Geological Survey
- Bureau of Outdoor Recreation
- Bureau of Mines

Department of Defense

Federal Power Commission

Department of Housing and Urban Development

Department of Transportation

Environmental Protection Agency

Department of Commerce

6. Date made available to CEQ and the public:

Draft Statement:

Final Statement:

National Resource Lands Management Act

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Appendix I (The proposal) -- 47 pages numbered separately

Appendix II (Analysis of the proposal) -- 44 pages numbered separately.

I. Description of the Proposal

The proposal is the enactment of legislation which would be known as the National Resource Lands Management Act and which was introduced in the 93rd Congress as S. 1041 and H.R. 5441. The act will apply to the 450 million acres of national resource lands managed by the Secretary of the Interior through the Bureau of Land Management. "National Resource lands" means all lands and interests in lands (including the renewable and non-renewable resources thereof) now and hereafter administered by the Secretary through the Bureau of Land Management, except the Outer Continental Shelf lands. The legislation will provide basic authorities for multiple use, environmental management of these lands, and will provide management tools to carry out this function in the most expeditious and economical manner. It will repeal many existing laws that are inadequate, out-of-date, or inconsistent. The Administration's proposed bill is contained in Appendix I.

This proposal, if enacted into law, will provide that all management, administration, development, disposition, and protection of the national resource lands will be conducted under a comprehensively defined mission. It will authorize the Secretary of the Interior to utilize adequate and up-to-date management tools. It will require that (fundamental ecological and) environmental relationships are recognized in all uses of the land. Land use planning will be required and utilization will have to be consistent with comprehensive land use plans. It will enable (sound) environmental management of the national resource lands to the extent that environmental knowledge permits.

The proposed legislation provides a basic charter for the national resource lands. It defines terms, sets forth objectives and the policy to achieve them and requires criteria and procedures in regulations in order that they be achieved.

Management, protection, development, and disposition of the lands and the granting of easements would be governed by related national policies, including those dealing with the protection of the environment.

The proposed act provides authority necessary to take advantage of modern management techniques. Included among these are authority to cooperate with State and local law enforcement agencies in the enforcement of State and local laws relevant to the enforcement of Federal regulations; establishment of a working capital fund; authority to issue a document of disclaimer when the United States has no interest in certain lands; authority to make resurveys of national resource lands where essential to properly identify the boundaries of such lands; and authority to issue and correct patents and other documents of conveyance.

Section-by-section analysis of the proposed legislation is contained in Appendix I.

The present environmental status of the 450 million acres of national resource lands is the result of a complex historical process. Their history, use, and development are an integral part of the Nation's growth and development.

One of the unifying factors at the beginning of the Federal Republic was the cession of the western land claims to the central government as a national land pool. The Constitution provides that the Congress would make rules for its management and disposition. As new territory was gained by the United States, it generally became a part of the common holdings of all the people of the various States.

Four-fifths of the Nation's land was at one time Federal. Today one-third is still Federal.

Policy evolved over time. At first the emphasis was almost entirely on disposal for revenues and for encouragement of settlement and development of the vast Federal domain. About 100 years ago Federal land and resource conservation policy started to take form. Yellowstone Park was established in 1872. By 1891 when the Forest Reserve Act was enacted, the concept of Federal retention of lands for specific conservation purposes took on new dimensions. In the early 20th Century it developed more fully. Some 160 million acres of public land became national forests, 18 million acres were set aside in parks, and 2.3 million acres in wildlife refuges. Policies were also enacted to authorize Federal purchase of land for conservation purposes.

Throughout this long history the national resource lands were viewed as a reservoir to be drawn upon by many for numerous purposes--sale for revenue, transfer to States and railroads for a source of a revenue, grants to farmers for farms and homes, forest reserves for timber supplies and watershed protection, and parks for the enjoyment of all the people. Little was done to protect the values of the lands still remaining in the reservoir for eventual disposition by disposal or into special reservations. Continuing deterioration under the impacts of unregulated, competitive, and sometimes illegal use was the result. Depression, drought, and dust storms awakened the country to the realization that lack of management had produced the deteriorated state of the western public lands. The mid-third of the 20th Century opened the era of a general public awareness of the breadth and scope of national resource land values. The impact of the population-technological-consumption explosion fashioned a new set of attitudes which impacted with old residual policies.

The response was the 1934 Taylor Grazing Act and the general Executive Orders of 1934 and 1935. These actions had among their goals (1) termination of the practice of indiscriminate public land disposal and (2) the start of programs of conservation management. This Act introduced the concept of land classification to public land administration. Incremental addition of management authority and a modest rate of escalation in management funding has proceeded since 1934, but on a piecemeal rather than a comprehensive basis.

The attitude that the public domain was a public common began to be replaced as uses, increasing in volume and intensity, began to buffet each other more severely. Coincident with this was the shift from small family farms to large corporate operations. Disposal had largely eliminated the arable portion of the public lands from Federal management. Real interest in permit type uses and extensive uses rose while interest in alienation of title for the classic family farm dropped.

In Alaska, the last territory, the quest for statehood was realized. The discovery of new energy mineral resources in the late 1960's brought on a new resurgence of interest in development of the Arctic.

Congressional recognition of the need for comprehensive management of all public lands was reached in 1964 when short-term legislation to classify and manage the public lands was enacted. For the first time Alaska was brought into the mainstream of public land policy and a program of land classification and management of disposals was introduced.

II. Description of the Environment

The following section provides an overview and general description of the physical, and institutional environment of which the national resource lands are a part. It shows the kind of lands and values being dealt with, especially from an ecological perspective.

Excluding responsibility for the Outer Continental Shelf to which the proposed legislation does not apply, the Bureau of Land Management has exclusive responsibility for 450 million acres, or 60% of the Federally-owned lands. More than half of this acreage is in Alaska. Disposal of lands pursuant to provisions of the Alaska Native Claims Act and the Alaskan Statement Act will reduce the BLM administered land in Alaska. In addition, the State of Alaska has yet to select nearly 100 million acres under its Statehood Act.

Excluding these Alaskan lands, the remaining 175 million acres administered by BLM are located almost entirely within the eleven Western states. These lands range from dense forests in Western Oregon to remote deserts in Arizona or New Mexico, and from grasslands in Montana to sand dunes in Southern California.

In Alaska, the lands range from the Arctic Coastal Plain or lowlands bordering the Arctic Ocean to the Pacific Mountain Range in the South. This latter region spans from the Aleutian Islands to the southeastern panhandle of Alaska.

A. Description by Geographic Areas. BLM administered lands can be divided into several major areas for further description. These areas are defined herein by a combination of major ecological considerations, biome classification, and common historical and socio-economic characteristics.

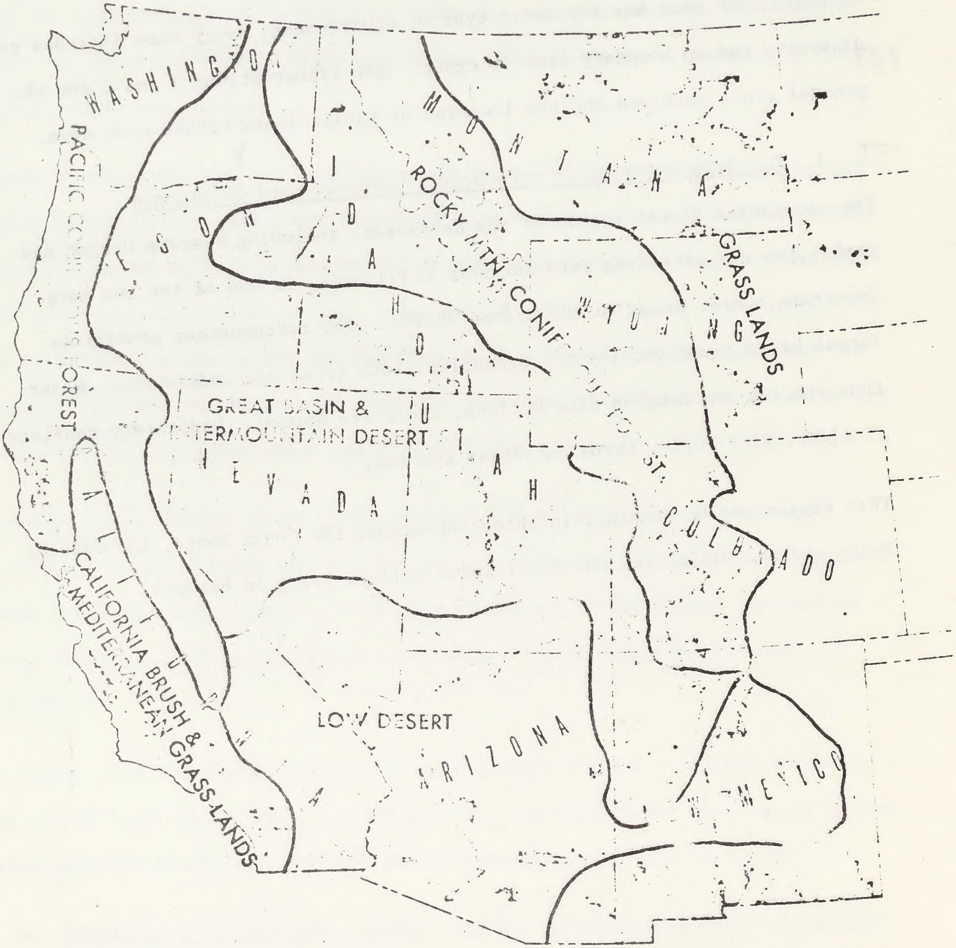
Although each area has a primary type of environment, every area includes great diversity and no boundary line is exact. See Illustrations 1 and 2 for the general areas involved and the location of public lands within each area.

1. Coniferous Forest of the Pacific Northwest and California.

The coniferous forest region of the Northwest, including Western Oregon and Washington and extending into Northern California, is one of the two more important timber areas in the United States. The northwestern coniferous forest has a great variety of vegetation, both trees and understory. Major tree species are Douglas-fir, Hemlock, Cedar and Spruce. Understory consists of Alder, Vine Maple, Ferns and other species.

This region can be broken into three sub-areas; the Coast Range, the Cascade Range and the Willamette and Puget Sound Valleys lying in between.

GEOGRAPHICAL AREAS - WESTERN UNITED STATES



NATURAL RESOURCE LANDS MANAGED BY BLM

Illustration I

The Coast Range Forests vary in elevation from sea level to about 2500 feet in Oregon and up to 4500 feet in the northern portion in Washington. The area is mountainous with moderate to steep slopes dissected by deeply entrenched narrow vallyes. The only cropland is on the narrow stream valley bottoms and low coastal plains. The climate is moderate, with average annual temperature of about 50 degrees. Precipitation varies from 80 to 200 inches and occurs mostly as rain during September through May.

Soil materials include sedimentary and basic igneous bedrock in the low mountains and foothills; and alluvium on fans, terraces, and bottomland. Some glacial material is found at the higher mountain elevations.

The west slope of the Cascades has a vegetative cover of Fir and Hemlock with Spruce, Cedar and Pine subdominant with an Alder and Vine Maple understory.

Elevations range generally from 500 feet to about 4,500 feet above sea level. Topography is steep mountainous uplands with very narrow, deeply entrenched valleys. Average precipitation is between 75 to 125 inches and occurs mostly as rain and snow from October through May.

Soils are derived from sedimentary or basic igneous bedrock; in places glacial material or pumice and volcanic ash.

The eastern slope of the Cascades varies from 1000 to 4500 feet above sea level. The forest cover consists of fir and pine. Topography is mountainous uplands with many terraces and fans and extensive plateaus dissected by "V" shaped canyons. Precipitation averages from 12 to 30 inches annually, occurring as rain and snow during November through April.

Soils are volcanic ash and glacial material at the higher elevations and volcanic ash mixed with basic igneous at the lower elevations.

The Willamette - Puget Sound Valley is generally 200 to 4500 feet above sea level. Topography is varied, with high mountains with steep slopes at the valley heads; low mountains and foothills with smooth moderate slopes; and bottom lands, terraces and fans with nearly level to gentle slopes. The bottomland, terraces, fans and foot slopes are primarily cropland. The natural cover in the balance of the valley is Douglas Fir, Hemlock, Cedar, Spruce, and Alder.

The climate is moderate with precipitation varying from 40 to 110 inches, occurring mostly as rain at elevations below 2500 feet above sea level, during October through May.

Soil material is of sedimentary and basic igneous bedrock in the low mountains and foothills and local alluvium on the terraces, fans and bottomlands. It is in this region that the major agricultural areas are found.

Natural resource lands in the Coniferous Forest Area are presently all at the higher elevations and contain little or no agricultural land. Major population centers (Seattle-Portland) are also in the Willamette-Puget Sound Valley.

Vegetation determines the character of the forest soils, which are relatively infertile and of poor quality for agricultural use because of high acidity and leaching of soil minerals.

The precipitation input to the coniferous forest ecosystem is high and there is generally optimum moisture for maximum production of the living components of the forest. The forest watershed is a primary source of water flowing through non forested areas at lower levels and provides much of the water needs for the western states.

The heavy shade, with leaf retention throughout the year, results in less organic matter and poor understory vegetative development. Soil organisms occur in moderate amounts and a large volume of nutrients is contained in the biomass of large trees. The turnover time in ratio of biomass to production is slow and over exploitation could reduce productivity by physical removal of the nutrients from the ecosystem.

Coniferous forest ecosystems generally occur on moderate to steep slopes with soils which are often unstable and erosive. Physical surface disturbance can adversely effect the inland aquatic ecosystems as well as streams and rivers and esturine systems. The aquatic ecosystems are complex and diverse. The anadromous fisheries are unique and directly dependent upon the forest watershed, especially in the northwest coastal forest.

Fire is an important ecological factor. It is especially important in the Northwest Coastal Forest, an area of generally high rainfall but where an annual dry season in July and August creates critical fire hazard.

Favorable climatic conditions in the coniferous forests generally enhance rehabilitation and natural successional recovery in the Northwest Coastal Forest ecosystems. The principal mammals are related to Rocky Mountain species. The Roosevelt elk and black-tailed deer are characteristic of this forest, as is the smaller mountain beaver. The Douglar gray squirrel, coast mole and ban-tailed pigeon are typical residents.

Inland waters that do not empty directly into the sea are characterized by high quality, low temperatures, and low fertility for fishery production.

High elevation streams support trout, whitefish and sculpin populations. Lower streams support chub, carps, dace and suckers mixed with populations of salmonids. Other common fish are black bass, sunfish, catfish, pike, and minnows. The estuaries support a varied fishery of marine and coastal fishery.

West coast streams produce the anadromous steelhead, stripped bass, shad, sturgeon, and five sport and commercially important species of salmon: the chinook, sockeye, chub, pink, and cohos: Migratory populations of coastal cutthroat trout are present in many coastal streams from California to Bristol Bay, Alaska. Endangered species that have been identified are the Olympic Mudminnow, Washington, and the little Kern Goldentrout, California. Major scenic resources in the Pacific Coastal Area include the Rogue River in Oregon, Majestic Mountain Parks, many of which were once active volcanoes.

The Northwest Coastal Coniferous Forest is edged with an interesting eroded coast line of natural arches, isolated rock islands, sand dunes, and steep cliffs. The higher sections contain canyons, volcanic features, caves including ire combs and lava tubes, and faulting evidence. Other major scenic resources include scattered Red Woods in the Kings Range, California, lava beds, and the Deschutles River in eastern Oregon. The forests themselves were not generally lived in by the Native

Americans who lived along the water courses and used the forests for hunting and gathering. The Northwest Coastal forest was the home of the salmon fishing oriented Northwest Coastal Cultures. Based on the Old Cordilleran Tradition and the Northwest Coastal Tradition, it quickly evolved to become very distinctive with its great use of wood and elaborate art work. Village sites were along the streams and consisted of either pit or surface houses. Occasional rock shelters and some camp sites away from the streams are found. Much of the history of the area revolves around the lumbering industry and mining. Fishing and maritime activities are also an important part of the past of the region. Russian and British trading activities in the area and the latter American inroads are important facets in the early 19th and late 18th century history.

Much of the settlement of the Northwest Coniferous forest followed from mining activity. Mining operations ranged from the Central Sierras in California north to the Quartzqille fork of the Willamette River in Oregon, as well as scattered discoveries in Washington. A long variety of minerals can be expected to be found. The following are only the most predominant ones: gold, silver, copper, lead, zinc, iron, manganese, chromium, cobalt, nickel, molybdenum, vanadium, tungsten, niobium, tantalum, tin, fluorspar, barite, gypsum, magnesite, and brucite. The leasables are potash, borates, sulfur, coal, and phosphate (1).

Current air quality in the area is generally considered to be quite good, except for occasional localized smog situations near the major population centers. The forest products industry, through slash burning, sawdust burning and pulp mills, is the most serious problem for air quality.

The economy of this general area is led by the timber industry with agriculture and recreation close behind. Considerable public concern is being expressed in this area concerning environmental issues, with several major institutions recommending limited growth policies. Air pollution resulting from a variety of causes has caused concern by residents of the Willamette and Puget Sound Valleys. At the same time there is considerable concern that there be no reduction in the annual timber harvest which could cause economic dislocation to the dependent communities.

Much of the public land under BLM administration in this area reverted to public ownership when the Oregon and California Railway grant terms were not observed. These lands, and additional tracts managed by BLM support valuable stages of commercial timber and are interspersed with State, other Federal, and private holdings. Because of this checkerboard pattern of ownership, the extremely high timber values and the significance of this timber to the local economics, institutional constraints, and coordination problems are extremely important for multiple use land planning.

2. Rocky Mountain Conifer Region of Northern Idaho, Northeastern Utah, Western Montana, Western Wyoming, and Western Colorado. The Northern Rocky Mountain forest area varies from 1500 feet to over 10,000 feet above sea level. This area is generally recognized as the Montane Coniferous Forest. The lower elevation mountain valleys are utilized

as cropland with some irrigated areas. Primary timber producing areas are in the 2500 feet to 7500 feet above sea level zone. This zone consists of high mountains with steep slopes, narrow valleys with many terraces and narrow bottom lands. Natural cover is pine/fir and fir/larch at the higher elevations. Ponderosa pine is generally found at the lower elevations and on the south facing slopes. The moist, cooler north facing slopes support Douglas-fir and Douglas fir/western larch. At the higher elevations lodgepole pine with some spruce are the dominant species. The high elevation timber areas are interspersed with alpine meadows and open rock areas.

Precipitation varies throughout the Northern Rocky Mountain area, with the valleys receiving from 14 to 33 inches, and the mountainous areas from 20 to 70 inches. Most of the precipitation falls during October through May, as rain or snow in the valley and as snow in the higher elevations.

Parent soil material is primarily from acid igneous and sedimentary bedrock. Soils are highly varied throughout the region. Vegetation and animal life is as varied as the soil.

Except for a few locations, the higher mountains throughout this area, including the major timber stands, are within the National Forest System. The public lands under BLM administration are often fragmented parcels between the forest boundaries and irrigated valleys.

The high deserts of Southwestern Wyoming, the Big Horn drainage in Wyoming, eastern Utah, and Northwestern Colorado are a sub unit within this area. The public lands are heavily concentrated in this sub area and with the exception of a checkerboard railroad grant through Southern Wyoming, constitutes 70-80% of the land ownership. Forest products, mining, agriculture and tourism are major sectors of the Rocky Mountain economy. Communities tend to be small, and relate to logging, ranching or mining which may occur in the area. Most of old World early settlement in the area began with search for gold and silver. Towns sprang up quickly where mining pursuits were successful.

Lumbering and domestic livestock use are major uses of the public lands, with recreation and tourism growing rapidly. Areas with outstanding recreation resources such as Yellowstone National Park, or Aspen Colorado provide the mainstoy for local economies. Mining, while not as extensive as lumbering, or livestock use is increasing in importance as new demands for oil and gas production, and energy are felt from the nations growing population. Increased demand for coal for conversion to electrical energy and petroleum products from oil shale resources result in substantial public concern for preserving environmental values. The area combines a multiplicity of resources and values, with a variety of land patterns and coordination problems.

Much of the Rocky Mountain Region contains portions of the Montane Coniferous Forest. This area tends to share its history with the nearby grasslands and desert. Use was somewhat like the prehistoric use in that most settlements occurred in the valleys as few natives really lived in the forests to any extent. Most of the forested .

areas were at too high an elevation for permanent living. The inland water resources provide much of the water needs for the western United States. The forest areas supply the major rivers and streams flowing from the forests and subsequently through lower areas (grassland, desert, woodland-bushland). They are also largely responsible for recharge to the ground water aquifers of adjacent woodland-bushland, grassland, and desert areas. Streams are largely perennial, although some are intermittent in regions where extended dry periods normally occur during the summer and fall. The Rocky Mountain region is noteworthy for the presence of caribou, moose, mountain goat, mountain sheep, spruce grouse, mountain pine beetle and would famous trout fishing streams. Elk and mule deer occupy openings and seral stages of the forested areas. Smaller animals include the porcupine, snowshoe rabbit, long-tailed weasel, striped skunk, flying squirrel, red squirrel, pocket gopher, deer mouse, western jumping mouse and vagrant shrews. Fifty-six species of breeding birds have been recorded in the central Rocky Mountains. To the south, the Kaibab squirrel and tawny deer mouse are most abundant.

Endangered wildlife species, and their general locations are: Westslope Cutthroat Trout, Montana; Arctic Grayling, Montana; Colorado River Cutthroat Trout, Colorado and Wyoming; Greenback Cutthroat Trout, Colorado; and Snake River Cutthroat Trout, Wyoming.

Major scenic resources on national resource lands through this region are the mountain wilderness - lake complex near Cour-de-Lane, Idaho, and rivers such as the Snake, Salmon, Green River, and Gunnisan Rivers which have potential for wild and scenic river designation. Other scenic and historical values such as mining operations, and towns dating from before the turn of the century, the Lewis and Clark Trail that crossed the continental divide in this area; the physiography or mountain - valley relief comprised of trees, shrubs, grass, rock formations and sparkling mountain streams. The coniferous forests and mountain-valley are one of the more spectaclor scenic values of all the national resource lands. Land form varies from rounded foothill to angular peaks, from relatively flat means and basins to nearly vertical canyons. Other geologically interesting features are those left by glaciation such as morains, lakes, U shaped valleys;erosion features like canyons, pinnacles peaks and mudlows; volcanic features such as lava flows, eroded ash beds, dikes, exposed plugs, and calderas, hot springs and geysers.

Locatable mineral deposits are probably more pronounced in this region than in any of the other areas of national resource lands. These deposits are principally of the vein type and closely associated with the Laramide orogeny of the Rocky Mountains, and the Idaho Batholith disturbances. The deposits are widely distributed with the exception of few if any being found in west-central New Mexico, Wyoming, and southeast Montana.

The leasable minerals appear to be found on the flanks of the mountain ranges. The coal in this area is of all types ranging from the Anthracites through the Bituminous to the Lignites. Few if any leasable mineral deposits are found in northeastern Washington, northeastern Oregon, Idaho, northwestern Montana, and central Arizona. A large variety of locatable minerals are found throughout this region, including gold, copper, silver, lead, zinc, iron, manganese, chromium, cobalt, nickel, molybenum, vanaduim, tungsten, tin, fluarspan, barite, gypsum as well as others. Leaseable minerals of more importance are potash, coal, sulfur, borates, and phosphate.

The area is noted for high air quality rather than smog. Sparse settlement has helped retain wilderness qualities. However, development of energy resources such as coal, together coal-steam electric plants could subject several closed basins to smog conditions resulting from natural inversion periods.

3. Grasslands of Eastern Montana, Eastern Wyoming, and the Dakotas. This area of rolling hills and major river valleys ranges from irrigated river bottoms through sagebrush and perennial grass covered hills to occassional stands of scattered Ponderosa Pine and various species of juniper.

The lands administered by BLM in this area are quite fragmented and are the residue from the homesteading era. While they have no potential for crop production they are among the highest quality wildlife habitat and livestock forage producing lands under BLM administration. The area also has substantial oil and coal deposits which are under increasing pressure to help meet current and future national energy needs.

While the surface ownership in this area ranges around 30% public, much of the mineral estate - about 70-80% - remains in Federal ownership. The population in this area has been fairly stable, with much out migration, since the peak of family farm oriented agricultural development prior to the great drought of the 1930's.

The Grassland ecosystem is well studied and there is extensive literature available on many of the ecological components. The aquatic ecosystem and its relationship to the terrestrial community is however, not well known.

Of the many factors which contribute to the physical environment of the grassland ecosystem, the movement of water into, through, and eventually out of the system is a major stimulus in the functioning of the system. This cycling of water in the ecosystem essentially consists of precipitation inputs, runoff outputs, and a series of intermediate processes influencing the magnitude of precipitation/runoff relationship. These include interception, infiltration, percolation, evapotranspiration, surface runoff and storage at various levels of the system. Different communities within the grassland such as short-grass and mixed grass occur generally as a result of varying rainfall, insufficient soil storage capacity or both. Winds also have an important effect and evapotranspiration is high. Thus, water is a critical factor in the ecosystem.

The grassland is a vast solar powered ecosystem capable of producing great quantities of energy. Annual production is generally high and the turnover of the biomass occurs quite rapidly on an annual basis. Only small amounts of nutrients are tied up in the biomass. Soil organisms are numerous and the decomposers play the critical role of transfering organically bound nutrients into available inorganic state. As much as half of the ecosystem produced biomass is directly decomposed by fungi and bacteria rather than by herbivores.

Nitrogen and phosphorous are the two important nutrients provided by vegetation to support other life forms. Unconsumed nutrients are recycled through the soil in a short time period because of annual mortality or dieback of grass species. This contrasts with slower cyclic biomes, such as the forest, where a large share of the nutrients are stored in trees having a natural life span of hundreds of years. However, the nitrogen fixation rate on predominantly grass-covered sites is very slow and could be a critical factor.

Except in extreme locations of steep topography, low precipitation, and unstable soil, the grassland ecosystem is generally stable. Surface disturbance can be rehabilitated and natural successional development occurs rapidly. Even though it may take many years to restore the original vegetation and animal species of the ecosystem, lesser species invade rapidly to heal the scars.

The grasslands are a complex interrelated array of animal, plant, and soil characteristics. They are most vulnerable to damage early in the growing season and in periods of drought, which commonly occur.

As might be expected from the geology throughout the Grasslands, mineral deposits other than oil and gas are largely confined to coal, those minerals classed as evaporites, and those found as replacement bodies in the sediments.

The evaporites include such minerals as halite (salt, gypsum, potash, uranium, vanadium, some of the rare earth minerals, and also clays). Some examples of the replacement minerals are lead, zinc, barite, and fluorspar.

Coal is generally found in the northern two-thirds, the evaporites in the middle one-third, north to south, and the replacement deposits scattered throughout the northern two-thirds of the grasslands.

Predominant locatable minerals are gypsum, vanadium, uranium, lead, zinc, barite, and fluorspar. The predominant leasable minerals are oil and gas, potash, clay, and strippable coal.

The soils of the Grasslands are as diverse as the geologic provinces, their underlying parent materials and the events which shaped their eventual development.

The soils of the Great Plains grassland are extremely variable from north to south and from west to east. North along the Canadian border in Montana and North Dakota, the soils are of the cool-moist organic rich Mollisols type. In southern Montana, southwestern North Dakota and northwestern South Dakota soils are the warm-dry Entisols. In northeastern Wyoming the mature warm-dry Aridisols predominate while in southeastern Wyoming and northeastern Colorado, the warm-dry organic rich Mollisols predominate. Southeastern Colorado has warm-dry soils of both the immature Entisols and mature Aridisols types. Eastern New Mexico has warm-dry soils of four types, the immature Entisols, the organic rich Mollisols, the brown to grey clay base Alfisols and the mature Aridisols.

The erosional and depositional features of the soils in the grasslands varies considerably, however, generally they are related to the soil base and the slope of the soil surface.

The generally high annual turnover of net-primary-production in most grassland communities provides a food-base for support of both large numbers and varieties of animals. As one might expect, many species are "grazers," many are "burrowers," and a large number of birds are ground nesters. Large herbivores (e.g., bison and antelope) are a characteristic, if not common, feature. Insect life is abundant and varied, and is heavily utilized as food by many secondary consumers. Soils tend to be well developed, and correspondingly so, the soil fauna and flora, including both micro and macro-organisms, represent every major animal phylum as well as many taxonomic groups of the plant kingdom. Many of the animals (e.g., antelope, rodents, various birds and insects, etc.), are gregarious in behavior, and frequently occur in large concentrations.

Grassland communities are subject to drought periodically, and therefore the populations of some wild animal species can fluctuate widely in numbers from year to year. Additionally, a most important exotic component of grassland "fauna" are, the large domestic herbivores (e.g., horse, cow, sheep, goat) which have largely replaced the native, wild forms. Livestock grazing greatly influences grassland ecosystems throughout the United States.

In the extensive Northern Temperate Grassland, characteristic animals include: antelope, white-tailed and black-tailed jackrabbits (in the north and south respectively), prairie dog, ground squirrel, coyote, badger, ferret, pocket gopher, various waterfowl, prairie chicken, sage grouse, Swainsons hawk, rough-legged and ferruginous hawks, burrowing owl, many ground-nesting birds such as the meadowlark and horned lark, bullsnake, rattlesnake, grasshoppers, crickets and an abundance of other insects.

The Southern Temperate Grassland includes many of the same animals found to the north although some are a different species or subspecies. Additional forms, more common in the south, include the antelope jackrabbit, desert cottontail, collared peccary, scaled quail, white-winged dove, mockingbird, kingsnake and numerous kinds of lizards.

Aquatic fauna of this area as a whole are less diversified than in the more humid regions. Throughout the vast grasslands region, there is not a single localized freshwater mollusk -- this reflecting the widespread and general character of the habitats. Aquatic animals, like terrestrial ones, have specific habitat requirements which vary with the species. The natural distribution of non-migratory fish is confined to bodies of water having accessible and suitable spawning areas.

Warm water species occur in larger streams and warm standing waters. Examples of these include the shovelnose and lake sturgeons, paddlefish and gars of the Missouri River. Channel catfish inhabit small tributaries of the Missouri and some large reservoirs having relatively warm, muddy waters. Bullheads are adapted to a wide range of conditions but prefer streams or ponds with warm, silty water. The black bass, bluegill and perch occupy a wide range in relatively cool, larger streams, lakes and reservoirs. Cold water species in the high elevation, clear, spring-fed streams include various trout, mountain whitefish and grayling.

The Black Footed Ferret is an endangered species. Rare species include the prairie chicken, prairie falcon and greater sandhill crane.

Threatened fish species are the white and pallid sturgeons, arctic grayling, east slope cutthroat trout, plains killifish and the plains topminnow.

Probably the greatest single scenic resource value of the grasslands is its vast "open space."

The form of the grassland may be described as primarily gently rolling hills and broad expanses of relatively flatlands. In some areas near major streams, particularly in drier portions of the region, continuity of the land form may be interrupted by sharp breaks down to floodplains of the stream. Because of the relatively gentle slopes in the grasslands, most of man's activities seldom interrupt continuity of the form. Where the form is disturbed it is usually quite easily replaced to a natural or near natural condition. Where the landscape is still in a natural state the texture is the soft texture of the grass covered slopes interrupted by occasional rock outcrops. In drier portions ground cover may be in scattered patches with a good deal of exposed soil. Some of the area has been converted to agriculture. Here the texture changes from field to field as the crops change.

Color is not a dominant factor in the grasslands. It may play a more important role in moist agricultural areas but in the natural and drier areas the colors are generally muted and tend toward a monotone.

Scale is difficult to define on the flat plane of the grasslands. Any vertical element which is introduced into the landscape has a tendency to define the scale but also draws the eye and becomes a focal point.

Within the region are found archealogical sites of the three broad development stages of American Indian prehistory.

These are the Paleo-Indian State, the Archaic Stage and Agriculture State. History indicates that the Indians' way of life included big game hunting, as well as a relatively unspecialized hunting-gathering-fishing way of life. The Big-Game Hunting Tradition is recognized in kill sites of such animals as the bison, mammoth and camel and horse. More rarely camp sites are found with chipping and other camp debris. Some cave sites have been found. The Archaic stage records more emphasis being placed on gathering of plants, as well as continued hunting. The agriculture stage is represented by more permanent dwellings such as surface and pithouse village sites, occassional irrigation systems, and trash mounds. The culture reverted to a strong hunting culture, however after the horse was introduced in the 1700's.

Historically, this region has seen early explorations and ownership by the Spanish, French, English and Americans. During the fur trade period much activity took place and many trading posts were established as were army posts and camps during the Indian Wars period which was in part concurrent with the fur trade. Immigration, railroads, gold seekers, and finally settlement by farmers and ranchers marked the "conquest" of the plains.

These activities are marked by the remains and sites of old forts, trading posts, battles, immigrant and cattle trails, railroads, mining ghost towns, homesteader failures, and more recent venture in oil, gas, and coal extraction and water reclamation.

Even today, most of the area is sparsely populated. Many of the counties have population densities of less than 10 persons per square mile, compared with a national average of 57.5. Low population densities and other characteristics of these rural-natural lands reflect economics and employment which are geared to agriculture and agricultural processing. Mineral extraction and processing, especially in areas of known oil, gas, and coal resources is taking on considerable economic importance, but is localized. Distance to major market regions of the United States is an institutional constraint for much industrial growth. Residents of the larger metropolitan areas within the area (e.g., Billings, Montana, Boulder - Denver - Colorado Springs, Colorado) are becoming increasingly aware of the BLM lands and their environmental issues.

Atmospheric problems are generally not a problem. Areas along the east slopes of the Rocky Mountains where major population - industrial concentrations such as Denver - Boulder - Pueblo are subject to inversion periods with significant smog concentrations.

4. Great Basin and Inter Mountain Desert of Eastern Oregon, Southern Idaho, Nevada, Utah, Southwestern Wyoming, Colorado, Arizona, Northeastern California, and New Mexico. The high desert, or inter-mountain shrub region, covering portions of eastern Oregon and Washington, extreme northeastern California, Southern Idaho, Northern Nevada, western Utah, and northeastern Colorado is very irregular topographically and hence is variable in soil and climate. Elevations vary from a low of about 200 feet in southeastern Washington - eastern Oregon to over 7000 feet in southwestern Wyoming. Soils generally are shallow and rocky, having little or not profile development. Poor drainage conditions

coupled with low precipitation result in concentrations of soil salts in the lowlands, which greatly influence vegetation. Precipitation, varying from about 7 to 18 inches, tends to be more abundant in the non growing reason. Summers are hot and dry. As a result, vegetation is deep-rooted or matures before summer droughts begin. Temperatures are low during the winter months; hence, plant growth is confined to the brief spring period and is limited.

Vegetation of the region is dominated by big sagebrush (including its many sub species), shadscale, yellow brush and cheat grass. Lowlands in the region are usually dominated by greasewood and rabbit brush.

The woodland communities, or woodland community ecosystems have extended themselves into former grasslands and sagebrush sites, partly due to a past history of overuse and their relationship to other associated communities. Increased spread of juniper for example has also been influenced by modern fire protection concepts. Under natural conditions fire was a chief factor in maintaining a balance between the woodland and adjacent plant communities. Changing land use patterns have also contributed to extension of the woodland communities. Pinyon-Juniper areas that in past years were harvested for cordwood, fence posts, pine nuts, etc., are now used to a large extent for recreation and open space areas.

The Pinyon-Juniper communities cover an area of approximately 60 million acres interspersed generally through the Intermountain Great Basin Desert. The majority of this community occurs in the states of Nevada, Utah, Arizona, Colorado, and New Mexico.

Pinyon-juniper generally occurs at elevations between 5,000-7,000 feet. Stand density varies from a very few trees per acre to 600 or more per acre. Maximum density occurs just before the rapid transition is made into timber or mountain shrub. Pinyon pine generally becomes established following juniper establishment. Since junipers are more drought resistant they are commonly found at elevations 500 feet lower than pinyon pine. Broad areas with savannah characteristics occur primarily in New Mexico and Arizona where the understory is composed of mixed desert grasses and shrubs.

The herbaceous undercover varies inversely with the tree and shrub density. However, it has been observed in Arizona that shrubs may tend to increase with the number of trees until a tree density of 50% is reached. The shrub undercover then decreased sharply where tree canopy exceeds 60% ground cover (4).

Plant production under natural conditions is greatest in the southern portion (Arizona and New Mexico) of the pinyon-juniper type. This is true of both trees and understory. Trees will grow to 40 feet on the better sites in the south, while 30 feet is about maximum in the northern areas.

The flora of different physiographic areas of the pinyon-juniper type are conditioned by climatic and other factors encountered. Prominent plant species and associations vary accordingly.

With the exception of a railroad grant across Central Utah and Northern Nevada, the BLM administered public lands are quite well consolidated with ownership patterns ranging from 50% to 80%. They have substantial resource values for wildlife, livestock forage, extensive recreation and some minerals. The watersheds are often fragile and especially in the Colorado River drainage contribute a large proportion of sediment to the river.

Desert ecosystems are extremely vulnerable to the types of land uses that are imposed on them, and in many places are subject to rapid change. Introduction of domestic livestock grazing has caused plant successions and other ecological changes along the edge of the desert resulting in an extension of the desert ecosystems into previous grassland communities. Precipitation input is small with a large amount of variation from year to year. Evapotranspiration also varies, especially in hotter locations, or the southern portions of this region. The net result is a reduction of soil moisture.

Solar radiation is high, but due to other climatic factors such as limited precipitation and sparse vegetative cover much less of this energy is captured by photosynthesis and greater amounts are stored in succulent vegetation. Therefore, the production capacity of the desert is greatly reduced and the food chain shortened.

The nutrient cycle occurs slowly in the desert with large quantities of nutrients tied up in the shrubby biomass and slow rate of decomposition. Man's use of the desert has altered the balance of the nutrient cycle and additional data is needed to fully understand this component of the ecosystem and analyze impacts.

Natural successional recovery of the desert communities following disturbances caused by man's activities is extremely slow, especially in the hot desert.

Much of the Great Basin and inter-mountain desert is underlain by faults.

Southeast Oregon is an area with normal faults trending generally north-south as do the normal and reverse or thrust faults which also trend north-south.

Nevada has an extensive fault system, predominantly oriented north-south; however, both normal and reverse cross faults trending northeast-southwest are present. The same fault pattern of Nevada also occurs in western Utah where it forms the eastern boundary of the desert.

Mineral deposits, both leasables and locatables are found fairly well distributed throughout the high desert region. The leasables are principally of the evaporite type (salts) with the exception of sulfur which was possibly introduced as a result of the volcanic activity in the area. The locatables are generally fissure filling, vein replacement or disseminated in the rock as porphyry type deposits. Locatable minerals found in the region are barite, fluorspar, manganese, molybenum, vanadium, tin, tungsten, niobium, tantaluna, gold, silver, copper, lead, and tin. Leasable minerals are phosphate, sulfur, gypsum, salt, potash, barates, lithium, bromine, manisite, and brucite.

Soils throughout the inter-mountain desert are generally of three types. The dominant order is the aridisols, occurring in southeastern Oregon, southern Idaho, Washington, Nevada, and western Utah. Other soils through this area and the mollisols and entisols which are younger and less developed.

Major rivers of this region are the Snake, Columbia, Humbolt, Green and Colorado. They receive most of their runoff from the higher elevations above the desert areas. Many lesser streams are ephemeral or intermitten rather than perennial thus providing little in the way of water resources. Almost all runoff is committed to agricultural, stock watering, and wildlife uses. The Great Basin of this desert region is a closed basin.

The surface waters of this basin drain into inland water bodies such as Great Salt Lake, Sevier Lake, Pyramid Lake, and Humboldt Lake. The balance of the desert water basins eventually drain into the sea. Surface water sources, like the runoff from the desert streams are fully committed to agricultural, power, municipal, domestic, industrial, recreation and fish and wildlife purposes.

Desert plant and animal communities are of intense interest for the extremes of adaptation to the environment by both plants and animals. The animal life is characterized by fleetness of foot in both mammals and birds, a keen sense of hearing, and adaptability to the dryness of the desert. Major species are antelope, mule deer, jack rabbits, coyote, badger, great horned owl, prairie falcon, Swainsans hawk, horned toad and numerous small birds. There are fewer reptiles.

All waters are important to aquatic animals in the arid conditions of the desert. Man has altered desert aquatic environment through the construction of large reservoirs, and irrigation and stock watering reservoirs. Diversion of water for irrigation has contributed to the deterioration of fish habitat in Pyramid and Walker Lakes, Nevada, once the home of Lahontan cutthroat trout and the depleted Cui-ui sucker.

Introduced exotic species include black bass, crappie, carp, and sunfish. The only native game fish in this desert area are rainbow and cutthroat trout.

Endangered wildlife species are the Utah prairie dog and the American Pereguin falcon. The prairie falcon is listed as rare. There are more rare or endangered species of fish in the desert than any other region, partially due to the many isolated watersheds.

The land form of the high, or inter-mountain desert is typically the flat dry bed of an ancient lake or the relatively low rolling hills of the great basin, occasionally interrupted by a small mountain range. Seldom is the observer out of sight of a mountain somewhere in the area of view. The texture of the desert is generally the relatively soft texture of the vast expanses of sagebrush broken occasionally by a bare ridgeline, a steep gully or a flat dry lakebed. Color is not an important factor. It is generally dominated by the gray-green of the sagebrush or the flat grays and browns of the soil typical to the region. Soil color becomes a more important factor in some portions of the cold desert in Wyoming and Colorado where the red sandstones make up the parent material.

Deserts are often looked upon as dull and uninteresting in terms of sightseeing. Yet some of the most intriguing geology is located in the desert. In the basin and range areas of Nevada it tends to be somewhat repetitive in gray with long sweeping views of the basins and short quick trips through the mountain ranges. Certain areas, particularly the Colorado Plateau are highly eroded mostly in colorful formations which produce delicate erosional features, easily recognizable "picture book" geologic structures, and grand view of the total. Scattered throughout the region are some of the most tremendous canyons in the world, the canyons of the Snake, the Owyhee, the Green, and others. Also present are sand dunes, volcanic features, playas, and fault structures. Extensive recreation uses occur. Open space is of particular value in areas adjacent to metropolitan areas. A unique scenic value of the desert is the severity of desert conditions (e.g., land form, plant and animal communities, and climatic conditions). The adaptability of plant and animal life and ability to survive makes the desert interesting to the visitor.

Population settlement throughout most of the high desert tends to be extremely light in density. Most areas have less than 10 persons per square mile as compared with the 1970 Census national density of 57.5. Exceptions are in the areas adjoining major cities such as Salt Lake City, Boise, and Spokane. Population is concentrated in somewhat of a linear corridor between Boise, Idaho and Salt Lake City, Utah. Much of this area experienced a net gain between 1960-1970. Nevada experienced a gain of 13.3%, equal to the national average. But this gain was largely in the existing population centers. Principal industries are agriculture (e.g., range livestock) and mining. The entire area is dependent upon a limited water resource. Continued population and economic growth have stimulated subdivision and sale of lands in mushrooming rural areas and urban areas. Resultant pressures on the adjoining public lands are demand for recreation use (e.g., off road vehicle use) open space and urban expansion. Air pollution resulting from a variety of causes together with air basins subject to natural inversion conditions is of considerable concern. Problems are generally restricted to areas of population settlement, the result being further pressure from area residents seeking relief from urban living. The high air quality and spaciousness of the desert help satisfy these demands.

5. Low Desert of New Mexico, Arizona, Southern Utah, Southern Nevada, and Southern California. Low desert is characterized by low rainfall, low elevations and sparse vegetation. It is mostly flat and sandy but includes some canyons and buttes. The vegetation of widely spaced creosote bushes and various species of cacti is adapted to withstand water loss during the day and to complete growth and reproduction when moisture is available.

The Oak Woodland - and Oak bushland vegetative types occur generally as scattered ecotanes between the desert biome and the pinyon-juniper communities. The vegetation is generally found in dense clumps, some of which are quite large, and extensive in coverage. The oak bushland community is found along the foothills and the interior ranges in Utah and Arizona at elevations between 5,000 and 8,000 feet.

The oak woodland community generally occurs in southern Arizona and New Mexico. In addition to oak, juniper, small trees, undershrubs, and grasses are interspersed. This community like the oak bushland is scattered and understory vegetation varies from cacti and yucca to grasses and shrubs. Topography is usually steep to rolling with generally erosive soils.

The public lands in this area are concentrated in western New Mexico, Arizona, Southeastern California, and Southern Nevada. Each area has a fairly well concentrated land pattern. The area includes a number of large military training and test areas which are used sporadically.

As highlighted in the discussion on the high, or inter-mountain desert, the ecosystems of desert areas are highly vulnerable to the uses that desert lands are put to. Rapid changes have occurred as the result of some uses, such as domestic livestock, and more recently off road vehicle use. Livestock grazing for example, has caused plant successions as well as other ecological changes along the periphery of desert areas resulting in extensions of desert ecosystems into areas that were previously grassland communities. The low, or "hot" deserts that comprise this region differ substantially in character from the cold, or high deserts. For example, land form is more often the remnant of eroded mesas. A prime example of this is the canyon of the Colorado River.

There are distinct horizontal and vertical lines evident in the mesa tops and sharp drop-offs to the valley floors. Color becomes a dominant factor in the Hot Desert. The rich reds and browns of the exposed soil and rocks are much more in evidence than in the sage covered cold deserts.

The texture is fairly coarse because of the widely scattered vegetation. The rocks and soil are exposed over much more area.

Eroding mesas, along with larger and more scattered vegetation provide scenic beauty to the observer.

Both the high and low desert had distinct cultures. In the low, or hot desert both big - game hunting as well as gathering and agriculture cultures existed. The gathering culture practices gathering of grasses, pinyons, insects, acorns, small game and other products. Big game hunters hunted mammoths, along with other big game.

From this desert archaic base there developed, as the result of strong influences from the valleys of Mexico, several agricultural cultures. Irrigation farming was practiced, large communal structures constructed, and highly organized and structured social systems developed. At the same time period there also were people with the desert archaic tradition still co-existing and others like the Apachean groups moving into the desert area. This was the situation at the time of first non-Indian contact (by the Spaniard explorers) in the early 1500's. These scenic and historical values are acquiring increased meaning and require preservation and protection.

A variety of animal life is found. Characteristic is their fleetness of foot, and adaptability to the dryness. Many desert animals do not need to drink water (e.g., kangaroo rat, pocket mouse); others drink water at least occasionally, such as most birds of the desert which may exist on dew, but which are most abundant near a free water source. Many, if not most, animals of the hot desert avoid temperature extremes by burrowing or occupying caves; many are nocturnal.

In the lower Colorado basin of Arizona and adjacent areas, there are more than 750 species and subspecies of birds and mammals. Not all of these are strictly desert species. Many may occupy only the fringes seasonally -- such as the large ungulates which are almost absent from the desert. Carnivores are small and usually nocturnal. Species of kangaroo rat and pocket mouse are characteristic throughout the hot desert; both are nocturnal burrowers. Burrowers are very beneficial in moving soil from lower levels to the surface, mixing in organic matter, and in planting seeds.

Typical Colorado Desert animals of Southern California include; black-tailed jack rabbit, desert coyote, kit fox, antelope ground squirrels, cave bat, big brown bat, leaf-nosed bat, lesser nighthawk, road runner, Gambel quail. In the Sonoran Desert of Arizona are ringtail, spotted skunk, wood rat, peccary, Gila woodpecker, numerous small birds during winter, bullsnake, three species of rattlesnake, eight species of lizards. The Gila monster is typical of the cactus community. The river bottoms and flood plains, which are typical of mesic areas, include more than 30 kinds of birds. The desert iguana and desert tortoise are commonly found.

Man has altered desert aquatic environment through the construction of large reservoirs such as Lake Powell and Mead to small irrigation and stock watering reservoirs. Introduced exotic species such as black bass, crappie, carp, sunfish; the salt water species Corvina, Sargo and Bairdiella in the Salton Sea and striped bass and coho salmon in some reservoirs and tailwaters all appear to do well while many endemic native species are reduced in numbers. Endangered wildlife species include the Peregrine falcon, and four birds; Mexican Duck, Masked Bobwhite, Yuma Clapper Rail and Southern Bald Eagle. Other threatened species are listed as the Spotted bat, Kaibab squirrel, and the Vegas Valley Leopard frog. Endangered fish are various subspecies of cutthroat trout, pupfish, dace, and chub. Other threatened and endangered fish species are the Woundfin, Arizona, Utah Nevada; Gila Topminnow, Gila drainage Arizona and New Mexico; Bonytail, California, Nevada, the White Sturgeon, Idaho; Cui-ui Sucker, Pyramid Lake, Nevada and the Pecos Gambusia, New Mexico.

Minerals and mining were a key factor in the original development of much of the desert region. Gold and silver booms were in many cases the thrust for initial settlement. Current mining or potentials of significance are coal, oil, shale and some phosphates in the northern portion of the desert and copper in the Phoenix-Tucson area. Other minor metallic mineral operations occur throughout the region. Potential geothermal steam sources for power generation are being explored in such areas as the Imperial Valley on the Mojave Desert.

One of the major scenic and archallogical values of the southwest desert is its history. Like much of the west, the southwest is still young, but civilization in the lower portions of the low desert date beyond this, due to Spanish and Mexican Settlement. Archaeological diggings have shown that irrigated agriculture has been a way of life from prehistoric times on.

There are a great number of native Indian Americans living on reservations in the low Desert Region. These range from farmers like the Pimas and Papagos to hunting-gathering peoples like the Yavapai and Paiutes. All of these groups have a strong attachment to the lands which surround their areas of settlement.

Population settlement patterns throughout the low, or "hot desert" as it is sometimes called tend to be extremely light. Less than 10 persons per square mile as compared to the national average of 57.5 inhabit the area. Exceptions, however, are the large regional market centers and those areas which have developed intensive agriculture through irrigation. Large population concentrations exist in the Los Angeles - San Diego megalopolis, Phoenix-Tucson, Las Vegas, Nevada and El Paso, Texas on the eastern edge of the area administered by BLM.

During the decade 1960-70, the area experienced a net population gain which slightly exceeded the national average of 13.3%. Much of this gain was in existing communities. Principal industries are agriculture and mining. Urban centers are generally new, quite modern, and have experienced intensive growth in manufacturing and service oriented industries. The Las Vegas area is exceptional however, and is heavily oriented to an ever expanding entertainment and tourist services industry. Residents of the low desert boast of the areas' warm, cloudless weather, ready access to recreation -- open space lands. Tourism and recreation have expanded rapidly. Demand for manufacture and retailing of motor homes, camp trailers, pickup campers, trail bikes, and 4-wheel drive vehicles, coupled with increased leisure time for the employment force of the area result in extremely high use of the public lands by the general public, especially the western portion of the low desert which is adjacent to the Los Angeles - Las Vegas - Phoenix urban areas.

Water is a limiting resource in the area. Subdivision and sale of lands for retirement or recreational use continues at a high rate.

Decreasing environmental quality in urban centers is one of the reasons for mushrooming recreation pressure of this desert. This, coupled with increased leisure time, and improved off road vehicles have generated rapidly increasing recreation pressure on the low desert.

6. California Brushland and Mediterranean Region. Thick, nearly impenetrable, mixed stands of shrubs cover many millions of acres in the Coast Range, Western Sierra Nevada, and southwest border mountains. Stands are found at intermediate elevations from near the Oregon State line to Mexico. Precipitation ranges from 12 to over 100 inches annually. The main body of brushland lies in zones of Mediterranean climate having relatively mild, wet winters and long, dry, hot summers. In most areas of the State, even private lands in the chaparral type are sparsely settled. An exception is found in the hills of the southern portion of the state surrounding the Los Angeles Basin where

urbanization has enveloped many acres of chaparral scattered in the interspaces. The use of such land is limited to livestock grazing or more commonly, as habitat for large animals including deer, bear, bobcat, mountain lion and coyote. Game birds such as quail and dove are also plentiful as are many species of songbirds. Ground squirrels, rattlesnakes, and field mice are the dominant small animals.

Fish species diversity is limited. Representative fish are salmonids (trout), whitefish, catfish, suckers, carp, squawfish, shiners, minnows, dace, chubs, sculpins, sunfish, perches, basses, pikes.

There are no known threatened species of mammal, bird, or fish unique to the brushlands. The San Joaquin kit fox, blunt nosed leopard lizard, and the humpback chub and sucker are classified as rare species.

Most of the vegetation is woody trees or shrubs resulting in storage of nutrients and slow cyclic action. Nitrogen is believed to be a limiting factor in productivity. At higher elevations the interrelationships resemble the forests with rapid energy turnover and a greater lag of autotrophic production.

The woodland-bushland community generally occurs on unstable areas in relation to soils and physiographic features. Disturbance to the vegetation often results in extensive erosion and subsequent establishment of desert type communities, even at higher elevations.

The aquatic ecosystem in the woodland-brushland occurs primarily in rivers and perennial and intermediate streams generally originating in higher elevations or forests. Soil characteristics accompanied by occurrence of high intensity storms result in heavy siltation. Surface disturbance accelerates siltation. Information regarding the aquatic ecosystem and the microbial ecology of the brushland is scarce and should be more adequately defined.

The woodland community ecosystems, because of past history of overuse and its relationship to other associated communities, are still in a transition stage. There is sufficient evidence to indicate that woodland communities, have extended themselves into former grasslands and sagebrush sites. This trend is still in evidence and it is expected to continue until surface management practices come into balance with climatic, site and environmental factors.

Many extensive known faults occur within, adjacent to and pass through this region. The pronounced San Andres fault zone is the major strike slip fault along the California coast; several portions or branches of this fault have crested surface features of the western foothills. This is also an active earthquake zone with many epicenters of slight to major magnitude being recorded from the 1600's to the present.

The soils of the woodland surrounding the San Joaquin Valley are predominantly of the Aridisol order with warm-dry surfaces, while the soils of the foothills along the west coast are of either the Entisol or Mollisol order but also have warm-dry surfaces.

Vegetative cover in the higher precipitation zones, which usually have more moderate summer temperatures, is usually an admixture of chaparral, oak, and coniferous trees such as Douglas Fir, Ponderosa Pine, in varying quantities and native grasses. This mixing is often due to frequent or periodic burning of what were once timber sites. Because of past fires and the complexity of soils, transition between the chaparral type and grass-oak associations at lower elevations is often indefinite, many hundreds of thousands of acres being in various stages of succession.

The chapparal brush fields of California provide many extensive recreational uses. While many of the areas are impenetrable, they do provide opportunity for hunting big game, and upland game birds. Areas near population concentrations now receive heavy recreational use which is expected to increase in the future.

A major value of the wooded brushlands come from persons travelling through the valley bottoms.

Since the valley bottoms are also the principle travel routes, much of the woodland-bushland type is exposed to the view of the traveling public. In some areas this view is from a considerable distance. In others it is directly adjacent to the travel route.

The land form of the woodland-bushland communities varies from relatively flat valley bottoms through the low rolling foothills to deep cut canyons. Most typical of these would be the rolling foothill area.

The texture varies as the density of the stands vary, from a continuous dense canopy to an open, scattered random pattern.

The color varies almost as much as the land form and the texture. Where there is a fairly continuous canopy -- the gray-green of the vegetation is predominant. As the stands thin, the color of the soil or rocks become dominant.

Lines are only evident where there is an abrupt change in the vegetation type or where there has been some disruption of the vegetation, i.e., roads, power lines, etc. Scale is more easily defined and much more obvious in the woodlands than in the grasslands or desert.

Prehistoric peoples who used the oak-woodlands were, for the most part, the same ones who inhabited the high and low desert regions. Different activities tended to take place in the woodland-brushlands such as hunting and gathering of wild nuts and seeds.

Historically the brushlands were probably among the last areas to be settled because of the difficulty of converting them to agriculture. Grazing was the predominant use in most cases. Consequently most of the historic events that took place in the wooded areas tended to be trail, battle, and scuffle, rather than settlement oriented.

The Broad Sclerophylls in California cover the "Mother Lode" country of the 1849 gold rush. The area is rich in lore, replete with old ghost towns and remains of the mining activities such as dredging piles and huge hydraulic cut banks.

The region is intertwined with an extension of the cultures found in parts of the Desert regions.

Of unique significance, the brushlands and wooded foothills of the southwestern portion of the California Central Valley lie along the route of the Spanish Roman Catholic Missionaries of the 18th Century. Many missions have been restored to their 19th Century condition along El Camino Real, while other sites remain as interesting ruins of more historical than cultural or religious significance.

Minerals are the same as those occurring at immediately lower elevations. The leasables are generally of the evaporite bedded types, with most of them being near the boundary of the Great Central Valley which is actually a grassland type. They are primarily in the sediments. The leasables on the western side of San Joaquin Valley in the marine sediments are in areas which could be considered valuable for oil and gas. The locatable minerals are found both as vein and bedded deposits and for the most part in the sediments on the eastern flank of the San Joaquin Valley. The deposits very likely are closely associated with the Sierra batholith and also the faulting throughout this biome.

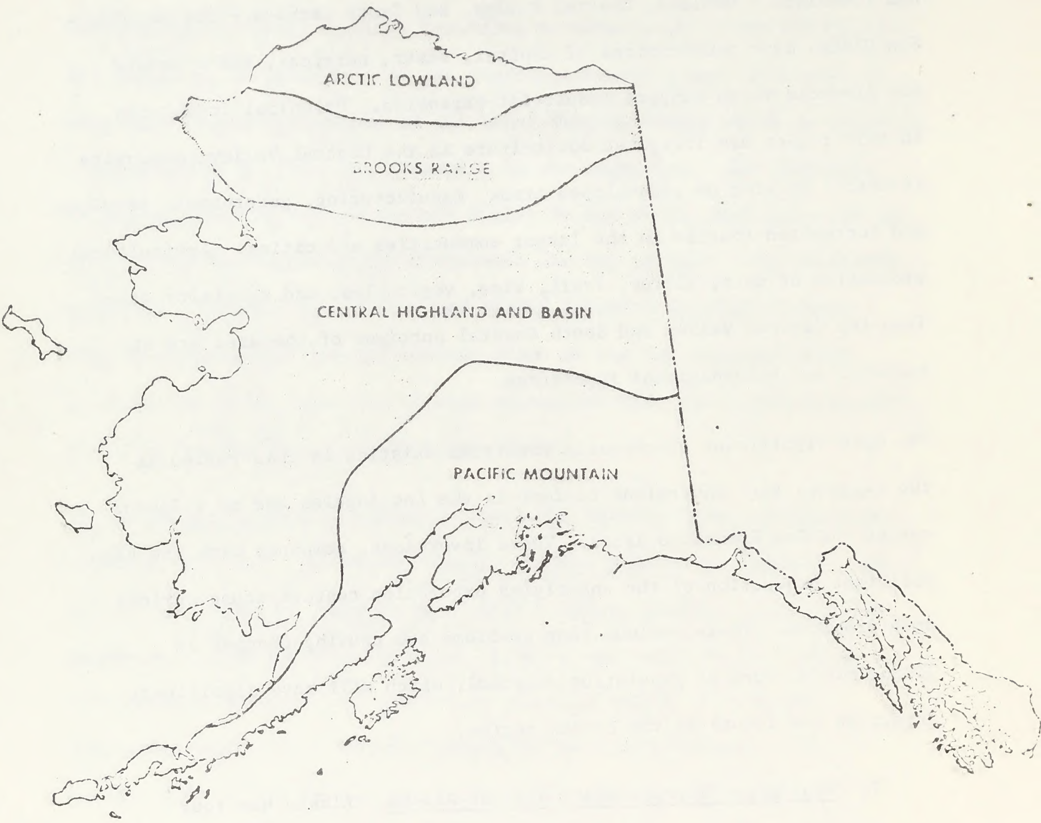
The predominant locatable minerals are gold, silver, iron, copper, tin, vanadium, chromium, manganese, barite, gypsum, magnesite, brucite. The predominant leasable minerals are sodium, iodine, borates, sulfur, and phosphate. As previously mentioned, much of the northern California brushlands have had a past history of metallic mining such as the California gold rush in the California Mother - Lode Country. The western side of the San Joaquin Valley, along the foothills of the California Coast Range has some valuable oil and gas bearing formations with a number of currently producing wells.

All of the California chaparral area is adjacent to, and partially includes large metropolitan areas. Population densities vary from over 250 persons per square mile in expanding suburbs to less than 10 in undeveloped areas. Isolated areas, which characteristically are more rural in nature, reflect the economic and social influence of nearby metropolitan life styles. Land use by humans is constrained by the ever present threat of wildfire in the dense brush areas. The larger metropolitan areas -- San Francisco - Oakland, Central Valley, and Santa Barbara - Los Angeles - San Diego, have combinations of capital, labor, services, and a demand for products which support industrial expansion. Principal industries in this region are irrigated agriculture in the Central Valley; extensive livestock grazing on undeveloped areas, manufacturing, government, services and recreation-tourism in the larger communities and cities. Agricultural production of nuts, citrus, fruit, rice, vegetables, and specialty crops from the Central Valley and South Coastal portions of the area are of national and international importance.

The most significant atmospheric condition existing in this region is the tendency for inversions to form in the Los Angeles and to a lesser extent the San Francisco areas. These inversions, combined with the high pollutant production of the underlying population centers cause serious smog problems. These serious smog problems are causing changes in living style, such as population disposal, which will have significant impact on the future of the entire region.

7. Coniferous Forests and Tundra of Alaska. Alaska has four distinct land forms, as well as a similar number of vegetative regions. A brief description, which encorporates each of these factors follows:

a. The Arctic Coastal Plain (or Arctic Lowlands) borders the Arctic Ocean and extends southward to the Brooks Range. These lowlands run east and west across the northern end of Alaska, and include 1/5 of the State. This region is an extension of the Great Plains through Canada. It is a broad level plain pockmarked by thousands of lakes and swamps. Climatically it is in the Arctic zone, with mean annual



GEOGRAPHICAL AREAS - ALASKA

Illustration 2

temperatures of about 10o - 20o F. Precipitation is extremely light. Strong winds are common. The region is treeless and constitutes part of the coastal Tundra vegetative zone; an area covered by sedges, mosses, lichens, small bush, and low willows. The air is pure. Soils are mostly glacial deposits with permafrost ever present. There is an abundance of wildlife including caribou, polar bears, arctic foxes, waterfowl, gyrfalcon, ptarmigan, seals, whales, walrus, trout, grayling, and sheefish. The only "domestic livestock" supported by this area (Tundra) are reindeer herds. These fit the term domestic only in that they are herded. Only five native villages of approximately 25 people each, or more, and the town of Barrow; population 2,104 inhabit the area. The area is currently becoming a major oil province.

b. The Brooks Range also runs east and west, and includes the Arctic foothills. It is the northern extension of the Rocky Mountains. Climatically it is in the sub-arctic zone with low precipitation, low humidity and great extremes in temperature variations during the year. Mean annual temperature are + 15% to - 25° F. The region is mostly treeless and constitutes part of the arctic tundra, and a smaller part of the Taiga Coniferous Forest, or Alaskas' interior forest area.

c. Central Highland and Basin or Intermontane Plateau. This region lying between the Brooks Range and the Pacific Mountain Range on the South is characterized by dissected uplands, gentle rolling hills, broad valleys, and lowland basins and deltas. The Yukon, Porcupine, Tanana, Koyukuk, and the Kuskokwim Rivers flow through this region which covers nearly half of Alaska. The region is primarily in the Subarctic climatic zone. The mean annual temperature is generally in the 25° - 35° F.

range. The region contains the Interior Forest vegetative zone of black and white spruce, white birch, aspen, cottonwood, and balsam poplar in the continental climatic area; and the treeless Tundra vegetative zone, described earlier, in the transitional climate zone of the Southwest Lowlands and Deltas. The air is generally pure, except for occasions of ice fog and inversion conditions in the area of Fairbanks. The Upper Yukon area is generally underlain by discontinuous permafrost, and the Middle or Lower Yukon, including the Seward Peninsula, generally underlain by continuous permafrost. Wildlife are abundant and include such animals as dall sheep, caribou, black and grizzly bears, moose, transplanted bison, raptor species, and waterfowl. The area is noted for its aesthetics and human interest values due to several potential wild and scenic rivers, exceptional scenic and primitive values, and history associated with mining (e.g., Alaska gold rush) and commercial development.

d. The Pacific Mountain Range on the southern end of Alaska is comprised of the Alaska Range; Kenai - Chugach Mountains, and the Southeastern Coastal Mountains. The region spans from the Aleutian Islands to the southeastern panhandle of Alaska. It includes the grasslands of the Aleutian, Copper River Basin and Lowlands, the Cook Inlet-Susitna Valley and Lowlands, the Kenai Peninsula, Kodiak Island, the islands in the Gulf of Alaska, and the southeastern panhandle. Climate is mostly subarctic with maritime characteristics. Mean annual temperature is about 40° F.

This region contains the southern limits of the Interior or Taiga Coniferous Forest zone. It also contains the grassland zone of the lower Alaska Peninsula, the Aleutian Islands, and Kodiak Island; and the Northwest

Coastal Coniferous Forest zone with its dense forest of western hemlock and Sitka spruce along the Gulf of Alaska and the Alexander archipelago. Except for occasions of inversion conditions around Anchorage, the air is of high quality. With the exception of portions of the Copper River Basin most of this area is free of permafrost. Wildlife species such as bear, moose, deer, mountain sheep and goats, seals, sea lions, salmon, trout, and whales are found in the area. The largest urban area of Alaska, Anchorage, as well as 19 other cities of 1000 or more persons and about 78 native village inhabit this region.

Most of Alaska is virtually uninhabited -- only limited settlement occurs outside of the Anchorage and Fairbanks urban areas. Remote settlements, mostly Alaska natives, are located along major river drainages, and the very limited road systems. Climatic extremes severely limit human habitation and land uses. Severe winter temperatures, short summers, and wide occurrence of permafrost as previously described dictate a careful evaluation of all intensive land uses which may be proposed.

Alaskas' Taiga, or interior forest region saw some Russian Trading Posts and missions established during the period of European exploration. (A number of these still exist and are in current use.) After purchase by the United States, Alaska saw periods of geographical exploration, gold rush, and land settlement for agriculture (limited) and now oil and gas exploration. Most of this has happened within the past 100 years so that there are many historical values present that are difficult to judge from a short term evaluation. Population growth has increased by 33% between the census years of 1960 and 1970, to about 300,000 persons. This represents only 0.5 persons per square mile of land area. A primary land use in the interior forest area is the harvesting of fish and game by native people, and more recently, by others. The latter is more a recreational use rather than necessity. Transportation by road is extremely limited and air travel is used very extensively. Most areas remail wild and remote, and represent one of the largest remaining contiguous wilderness areas in the world. Natural resources are outstanding, but the areas vast immensity is unique. Aboriginal peoples are the Eskimo, Aleutian people, and Athabascan Indian stock. All are highly dependent on fish and wildlife for subsistence. Modern civilization, e.g., life styles, firearms, snowmobiles, etc., have had a tremendous impact on their cultures.

Principal land use - industries have been mining, fishing, and utilization of the forest resources. However, utilization of the interior forest resources has been limited to local consumption around urban areas (Anchorage - Fairbanks) and isolated settlements. (Much of the forest resource is non-commercial under current technology due largely to difficulty of access and limited demand.)

Mining has been a major land use - gold mining early in this century and more recently, oil and gas exploration and development. Coal is primarily found in the southwestern part of Alaska. It ranges from anthracites through low volatile to high volatile subbituminous found principally in upper Paleozoic sediments.

The locatable minerals are found throughout the Taiga and Northwest Coastal coniferous forest areas. These minerals are found in close association with the fault systems throughout the area. The deposits are primarily of the fissure filling or vein replacement type. The gypsum, found in the northwest coastal area, is of the evaporite type. Some of the deposits, in particular tin, gold, silver, and platinum, are found as placer deposits along the rivers. In addition to the above, there are bedded barite deposits in the Cretaceous sediments in the northwest coastal area.

The locatable minerals of prominence in the Taiga and Northwest Coastal areas of Alaska are fluorspar, barite, gypsum, zinc, gold, silver, copper, lead, tin, and platinum. The leasable mineral in these same areas is coal.

C. National Resource Lands - Location and Acreage (Western States only) - as of 1972

State	Total Acreage/State	BLM Administered	BLM Percent of Total Land Area of State	Total Federal Administered	Federal % of Total Land Area cf State
Alaska	362,516,480	276,180,000	76%	353,491,000	98%
Arizona	72,586,880	12,572,000	18%	31,955,000	44%
California	100,071,040	15,582,000	16%	44,940,000	45%
Colorado	66,410,240	8,333,000	12%	23,940,000	36%
Idaho	52,913,280	12,074,000	23%	33,793,000	64%
Montana	93,175,680	8,149,000	9%	27,608,000	30%
Nevada	70,328,960	48,340,000	69%	60,787,000	86%
New Mexico	77,703,680	13,178,000	17%	26,048,000	34%
Oregon	61,557,760	15,733,000	26%	32,238,000	52%
Utah	52,541,440	22,735,000	43%	34,818,000	66%
Wyoming	62,209,920	17,463,000	27%	29,965,000	48%

D. National Resource Lands - Characteristics (Statistical)

1. Cover

Western States[1/]

Acres - Commercial Forest	3,600,000
Acres - Woodland	23,700,000
Acres - Grassland, Desert Shrub and Sage	147,700,000
Total - Western States	175,000,000

Alaska[1/]

Acres - Commercial Forest	19,500,000
Acres - Woodland	71,300,000
Acres - Tundra and Other	185,200,000
Total - Alaska	276,000,000
Total Acres -	451,000,000

[1/] Approximate acreages

2. Miles of Live Streams

Western States	12,700
Alaska	50,000

3. Acres of Lakes & Reservoirs

	Alaska	Lower Western States
Lakes	8,000,000	990,000
Reservoirs	-	1,134,000

4. Historical & Archeological sites inventories on public land

Alaska	7
Western States	4803

5. Acres important game habitat

	Alaska	Lower Western States
Big game	255,000,000	103,548,000
Small game	255,000,000	110,873,000
Water fowl	57,000	799,000

6. Condition of Lands and Resources

a. Range Condition and Trend

Western States

Condition Class	Acres	% of Total
Excellent	1,600,000	1%
Good	24,000,000	15%
Fair	84,800,000	53%
Poor	41,600,000	26%
Bad	8,000,000	5%

Trend	Acres	% of Total
Improving	24,000,000	15%
Static/Indefinite	113,600,000	71%
Declining	22,400,000	14%
Est. Livestock grazing acres	160,000,000	100%

b. Wildlife Habitat

		Habitat Condition Acres (1000's) Satisfactory	 Unsatisfactory
Western States			
Terrestrial			
Big game		57,900	45,600
Small game		78,150	32,700
Waterfowl		330	460
Aquatic	number		
Lakes	180	870	120
Reservoirs	6,587	440	690
Streams (miles)		8,670	4,050
Alaska			
Terrestrial			
Big game		255,000	0
Small game		255,000	0
Waterfowl		57,000	0
Aquatic	number		
Lakes	96,800	8,000	0
Reservoirs	0	0	0
Streams (miles)		50,000	

c. Soil Erosion

	Acres	Stable %	Slight %	Moderate %	Critical %	Severe %
		Erosion Condition Classes				
Western States	175,000,000	11	38	38	11	1
Alaska	276,000,000	90	6	3	1 1/	1 1/

1/ less than 1%

d. Forest Condition (3,600,000 acres - Western States) As of July, 1971

UNDERSTOCKED STANDS Reforestation Needed (acres)	OVERSTOCKED STANDS Improvement Needed (acres)
120,000	200,100

e. Recreation Site Condition

Western States

Hazardous Sites (to public safety) (no.)	Heavily Littered, undeveloped sites now used (no.)	Heavily Littered roadsides (miles)	Heavily Littered waterways (miles)	Trash now in place (tons)
12,300 1/	3,020	4,600	1,300	7,500

Alaska

Hazardous sites (to public safety) (no.)	Heavily Littered, undeveloped sites now used. (no.)	Heavily Littered roadsides (miles)	Heavily Littered waterways (miles)	Trash now in place (tons)
N/A 2/	250	400	N/A 2/	200

1/ Abandoned mine shafts, wells, unexploded ordinance, overlooks, etc.
2/ Not available.

E. Public Land Production, Use and Management

1. Intensive Land Use

Occupancy type leases in effect 1972	1395
Special land use permits in force 1972	1195

2. Minerals (from all public lands, including areas not under BLM surface administration)

Mineral leases in effect in 1972:

Oil and gas	93217
Coal	528
Other	434

Mineral production - 1972 (selected commodities)

Petroleum	178,227,838	barrels
Natural gas	966,294,850	thousand cu. ft.
Coal	9,858,722	short tons
Phosphate	1,524,159	short tons
Potash	11,805,828	short tons

3. Timber

Sales - O&C 1972	1,179,089 M bd. ft.
Sales - Other public domain	74,949 M bd. ft.

4. Recreation

Recreation visits - 1972	91,240,000
Recreation visitor days - 1972	42,460,000
One Time Use (OTU) capacity of BLM recreation sites	3,615 family units

5. Wildlife

Big game animals using public lands - 1971

Antelope	179,000
Bear	37,000
Bighorn Sheep	35,000
Caribou	500,000
Deer	1,505,000
Elk	158,000
Moose	6,360

Pounds of commercial fish spawned or produced on public lands - 1972	99,510,000

Hunting and Fishing days of Use

Big game (deer, antelope, elk, etc.)	2,300,000
Small game	2,600,000
Waterfowl	900,000
Fishing (sport)	3,940,000

6. Livestock Forage

	Cattle & Horses	Sheep & Goats	Total
Grazing Permit Operators (1972)--			
No. of operators	11,656	2,155	13,811
No. of livestock	2,165,047	3,454,438	5,619,485
Animal unit Mo. of use	8,234,744	2,051,830	10,286,574
Grazing base operations -			
No. of operators	N/A	N/A	8,000
No. of livestock	1,157,500	1,651,900	2,809,400
Animal unit Mo. of use	N/A	N/A	1,826,200

7. Wild Horses & Burros

Horses (est.)	25,500
Burros (est.)	14,250

III. The Environmental Impact of the Proposed Actions.

Enactment of the "National Resource Lands Management Act" will have no direct environmental impact, except to the extent its enactment discourages abuses and unauthorized uses of the national resource lands. Environmental impacts will result from actions taken under implementing regulations and procedures. Certain provisions of the act deal with agency administrative procedures which do not have environmental implications.

Policies and guidelines set forth in the bill for inclusion in the regulations will provide a statutory base and requirement for protection and enhancement of the environment in managing the national resource lands. New rules could have impacts on present users and uses of the lands.

Provisions of the Act which have environmental implications include:

A. The proposal directs the Secretary to manage the national resource lands under principles of multiple use and sustained yield in accordance with comprehensive land use plans. Since the lands are now managed on this basis following enactment of the Classification and Multiple Use Act (expired), this action does not constitute a change in policy or direction. It does provide a legal basis for continuation of this management. Continuation of these policies means continued impacts on the environment. Specific impacts can be determined only as specific plans are formulated and analyzed.

The policy will have an effect on types and patterns of the resources and occupancies on the national resource lands. It may eliminate present uses of lands designated as of critical environmental concern. Uses of other lands may be increased or reduced as a result of inventory and land use planning. Uses of the lands heretofore considered unregulated may be regulated to assume conformance with policy and land planning and proper land management.

Specific impacts on the environment will depend on regulations promulgated under the authority. It will be possible to more accurately define impacts on the environment during the rulemaking process. Environmental impacts of any regulations or significant federal actions proposed pursuant to this legislation will be thoroughly considered in environmental analysis reports and environmental impact statements.

B. The proposal directs the Secretary to manage the lands under the principles of multiple use and sustained yield in a manner which will assure payment of fair market value by users of the lands and resources. Land reclamation and bonds may be required of users engaged in activities significantly disturbing the lands.

This provision means that fees could be charged for uses of the lands which are now free. Fees being paid which represent less than fair market value could be increased unless otherwise governed by separate law. Users would require greater lead time prior to initiating activities, to allow proper consideration by the government of potential adverse impacts. Cost of activities may rise due to new requirements for bonding and reclamation.

C. The Secretary would regulate through permits, leases, licenses or other instruments, the use, occupancy or development of the national resource lands not provided for by other law.

This provision authorizes full control of activities taking place on the national resource lands. At present many uses are unregulated.

Persons presently engaging in activities at will would be subject to new rules designed to assure fair returns and environmental protection.

D. Authorization to use national resource lands would be subject to revocation or suspension upon violation of Federal regulations and Federal or State air and water quality standards.

At present the specific authority to revoke or suspend authorization for use of the lands is limited to narrow areas where the Bureau must first issue authorization for the use. The Bureau does not specifically authorize many uses. The proposed authority would give the Bureau a lever to enforce its regulations by imposing sanctions on violation of conservation and environmental protection laws.

E. Under the proposal, land use planning for Federal lands would be coordinated with State and local government planning. This coordination could eliminate or limit uses on the public lands by virtue of conflicts with planning for adjacent non-Federal lands. This coordination may inject considerations into the Bureau planning system which become program objectives. Such would be the case in areas of urban expansion plans which include Federal lands.

F. The bill provides for disposal by sale and exchange of lands and interests in lands and resources where in the public interest. The disposition of national resources and resources thereon is currently permitted under a variety of statutory authorities including the Mining law of 1872, the Mineral Leasing Act, the Taylor Grazing Act, the Materials Disposal Act, and the Recreation and Public Purposes Act. Many of these acts, including all those enumerated above, will remain under the proposed law. Most of the non-mineral land entry acts, such as the Homestead Act and the Desert Land Entry Act and the laws authorizing rights-of-way and easements, are repealed and replaced with new sale authority when transfer from Federal ownership is in the public interest.

Each action under the new authority would require study to determine environmental implications. Sale of lands or interests in lands and resources would necessarily be consistent with the Bureau planning system. A major consideration of the planning system is protection of the environment. Usually, sales of land will be authorized where it can be determined that the general public interest would be best served by transferring ownership. In some instances, given no adverse effects, lands may be sold because they are isolated and difficult to administer. Exchanges will generally have positive environmental impacts. Lands acquired by the Federal Government will be valuable for inclusion with the national resource lands in management units and will add flexibility to management which is restrained by the presence of non-federal lands. The Federal lands to be exchanged will have been identified as suitable for that purpose after exhaustive consideration in the Bureau's planning system process.

G. The Secretary, by regulation, would establish procedures providing for public participation in decision making. This is a restatement of present policy which would assume statutory status.

It is difficult to assess the environmental impact of public participation in decision making. It is evident that this process identifies options to proposed actions that might otherwise not be considered. Identification of alternatives to proposed actions or protests based on environmental considerations are valuable management tools.

H. The bill establishes penalties for violation of regulations and provides the Secretary with authority to delegate enforcement authority or enter into contractual arrangements with law enforcement agencies. At present, the Secretary is dependent on voluntary cooperation of enforcement agencies and fragmented authority provided by certain laws.

There are significant environmental implications in the proposal. Violators of regulations and laws dealing with the quality of the environment would be subject to increasing chances of apprehension and penalty for carelessness or wanton disregard. This authority would clearly assist educational programs that the Bureau presently relies on for protection of the national resource lands.

I. The bill grants the Secretary new broad authority to issue and administer the rights-of-way programs. Present authority is scattered throughout the statutes and in many cases overlaps. Some authorities such as R.S. 2477 provide no authority for consideration of resource values, land use planning or the environment. Under the bill one rights-of-way authority allowing the Secretary to consider each application on its merits consistent with other uses and resources would replace the many that now exist but would be repealed by the bill. The Secretary could impose any stipulating terms, and conditions deemed necessary upon rights-of-way granted to protect the environment.

IV. Mitigating Measures Included in the Proposed Action:

Mitigating measures included in the proposed legislation are:

A. The Act requires the Secretary to establish procedures for public participation in the administration of the national resource lands. These procedures will enable interested persons to actively participate in the decision-making process. It will assure that all interests have the opportunity to present programs for properly balanced use of the national resource lands. It will be a continuation of existing policies of the BLM.

In addition to public hearings and meetings, the Secretary may establish advisory boards. The members will represent the variety of uses of and interests in the lands. The board members will advise the Secretary of alternatives and recommend decisions regarding the public lands.

B. The Act requires the Secretary to give priority consideration to the designation and protection of acreas of critical environmental concern in the land use planning program. This provision assures protection of national resource lands which are now or potentially subject to irreversible damage by uncontrolled use of development.

C. The Act requires the Secretary to insert in patents or other documents of conveyance such terms, covenants, conditions and reservations as required to insure proper land use, environmental integrity and protective of the public interest. The Act further stipulates that an area of critical environmental concern to be conveyed out of Federal ownership shall provide in the conveyance for the continued protection of the area.

D. In considering issuance or renewal of rights-of-way which may have significant impact on the environment, the Secretary shall require the applicant to submit a plan of construction, operation and rehabilitation which shall comply with regulations issued by the Secretary designed to insure that the use of the rights-of-way will have the minimum adverse impact on the environment. The Act provides that the Secretary shall include requirements in grants which insure that activities in connection with the rights-of-way will not violate applicable air and water quality standards; and requirements to control or prevent (1) damange to the environment, (2) damage to public or private property, and (3) hazards to public health and safety and to assure compliance with terms of right-of-way permits, the Secretary may require the applicant to furnish a bond or other security.

E. The fact that the Secretary would have authority to enforce the law and his regulations may serve as a mitigating force to reduce vandalism and other damage to the land, its resources and the environment. The Secretary now has the authority to issue regulations regarding uses of the national resource lands but lacks authority to enforce them.

V. Any Adverse Effects Which Cannot Be Avoided Should the Proposal Be Implemented.

There are no new adverse environmental impacts in the proposed legislation. The proposal is designed to provide authority needed to manage uses of the natural resource lands which may now be unregulated or partially regulated and causing adverse impacts. Some of these uses and their impacts are described in Section III. There will be an additional degree of restriction on people's freedom to use the national resource lands as they wish. Some authorized users of the national resource lands will be subject to a greater degree of regulation and constraint than before. Unauthorized users of the national resource lands will face criminal penalties.

VI. Relationships Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity.

Policies are set forth in the bill and regulations promulgated pursuant to it are measures designed to insure proper short-term uses of the environment for the maintenance and enhancement of long-term productivity and environmental stability.

Increased regulation may restrict people's freedom in use of the national resource lands but will provide improved resource management opportunities. This should result in long term gains in soil and watershed quality, recreation capacity, aesthetics, increased protection of archeological, historic and cultural values, and more compatible land use.

National resource lands transferred out of Federal ownership will generally be changed from low intensity uses, such as grazing, wildlife habitat or casual recreation to more intensive use or development. This will provide lands needed for industrial growth, community expansion, and community services, under suitable restrictions to insure proper land use and environmental integrity. Acquisition of selected private lands will allow access to national resource lands now isolated by private lands and provide the opportunity to improve management practices on the national resource lands.

Temporary use and disturbance of national resource lands may be authorized under various permits, licenses, rights-of-way and leases but reclamation requirements will be included and enforced to insure restoration of long-term productivity of the lands.

In summary, the policy, guidance and authority set out in this legislation should serve to enhance the long-term productive capacity of these lands.

VII. Any Irreversible and Irretrievable Commitments of Resources Which Would Be Involved in the Proposed Action Should It Be Implemented.

Enactment of the proposed legislation would not result in new commitment of resources. Policy in the bill and regulations promulgated pursuant to it would tend to discourage actions now authorized or not explicitly prohibited which are irreversible and irretrievable commitments.

VIII. Alternatives to the Proposed Action.

Possible alternatives to this proposal and their environmental implications are:

A. Propose No Legislation - (No Action Alternative)

Selection of this alternative would result in continued management under existing laws and policies. As discussed in the history and status of the national resource lands (Section 1), the Bureau now operates within the framework of over 3000 laws. Some of these provide no administrative discretion and make no provision for either environmental concerns or protection of other resource values. Examples of these include R.S. 2477 (43 U.S.C. 932), the Act of March 3, 1875 (43 U.S.C. 934 et seq.), the Act of May 14, 1898 (43 U.S.C.§§ 942-1 et seq.), and the Act of March 3, 1891 (43 U.S.C. §§ 946-949).

Present laws do not provide certain authorities which the Bureau requires to manage the lands. Such deficiencies include the lack of enforcement authority and provision for acquisition of lands.

The environmental impact of this alternative would be a continuation of present impacts on and near the national resource lands. These impacts were discussed in Section I and appendix I and II of this statement. Advances in technology, changes in sociological patterns, and enactment of additional special interest legislation would result in new impacts which are not identifiable at this time.

Some, but not all, impacts could be controlled by regulation under existing authorities and other impacts might be avoided by public education or information programs. The Bureau will, however, remain in the position of having to approve, or acquiesce in, some actions which are legal, but have adverse impacts on resources or the environment.

B. Propose Several Laws

This alternative means that legislation would be proposed to deal with specific resource problems or administrative deficiencies. Several proposals would be drafted to remedy prevailing problems or allow positive action on resource opportunities. New legislation would then be proposed whenever new problems appeared for which no solution was available.

The environmental impact of this alternative is somewhere between Alternative A and the proposed action. Assuming that legislation were enacted to deal with known deficiencies such as inadequate land use planning authority, lack of enforcement authority, outdated land sales and rights-of-way laws, etc., the Bureau would still be confronted with an inability to effectively deal with new problems as they occur. This alternative would essentially be a continuation of the legislative history of the national resource lands. The legislative process does not normally allow timely reaction to specific resource problems. Consequently, those activities which degrade the national resource lands could be sustained for a significant period before legislative action would allow administrative control of the activity. An example of this type of activity occurred as a result of the rapid development and popularity of off-road vehicles. Similar activities may be expected to affect the national resource lands with technological developments.

C. Broaden Proposed Legislation.

This alternative would expand the selected proposal to include within its framework detailed provisions relating to the various uses of the national resource lands, including mineral development, timber harvest, outdoor recreation, livestock grazing, etc. It is probable that the Congress, in its deliberations on the proposed action, will consider this alternative.

The environmental impact of this alternative would be similar to that of the proposed action, since the proposed action covers the basic authorities for directing and enforcing the management of all resources.

D. Propose Dominant-Use Legislation

This alternative suggests preparation of dominant-use legislation rather than multiple-use legislation as proposed herein. Dominant-use differs in principle from multiple-use in that a single use of a land area may be considered superior to other uses. Additional uses may be allowed only to the extent that they are compatible with the superior use. Multiple-use management attempts to balance resource uses to meet the needs of the public, without excluding conflicting uses entirely.

The impact on the environment which would occur should this option be pursued, varies with the resource uses designated as superior on a given tract. Once commitment to a dominant-use is made, other resources and uses may be diminished for varying terms or in entirety. In the case of a use which harvests a resource, such as mining, it may not be possible to fully retrieve resource values disturbed by surface disturbance. In the case of timber harvest, it may take a significant period of time to recommit the lands to uses other than production of timber. In other cases, designation of an area for uses such as wildlife habitat, natural areas, etc., may have less of an irreversible impact on the environment and dominant-use designations could be altered to meet changing social needs and interests.

IX - Consultation and Coordination with Others.

A. Consultation and Coordination in the Development of the Proposal and in the Preparation of the Draft Statement.

The proposed legislation was first introduced on July 20, 1971. The Bureau of Land Management in cooperation with the Legislative Council drafted the proposal. The Bureau prepared the environmental impact statement. The Office of Legislative Council coordinated review of the proposal by interested agencies and the office of Management and Budget. Following introduction, both the Senate and House of Representatives held hearings on the proposal, but did not enact legislation.

The current proposal is a revision of the one submitted during the 92nd Congress. Again the major participants in drafting the proposal were the Bureau of Land Management and office of Legislative Council. The Bureau prepared the revised Environmental Impact Statement. The Justice Department assisted in drafting the enforcement provisions of the proposal. Existing laws governing administration of the national forests have been used for a model in drafting certain provisions of this proposal. The proposal was reviewed by the Office of Management and Budget.

The House of Representatives has held field hearings during the 93rd Congress. The Senate has held Washington hearings.

B. Coordination in the Review of the Draft Statement.

The Draft Statement together with attachments consisting of the proposed legislation and an analysis of the proposal, will be sent to those agencies listed in paragraph 5 of the Summary page. Any other agency requesting an opportunity to review the statement will be furnished necessary copies.

Appendix I

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

FEB 27 1973

Dear Mr. Speaker:

Enclosed is a bill "To provide for the management, protection, development and sale of the national resource lands, and for other purposes."

We recommend that this bill, a part of the environmental program announced February 15, 1973, by the President in his Environment and Natural Resources State of the Union Message, be referred to the appropriate committee and that it be enacted.

With this bill, this Department is proposing legislation which, for the first time, would state the national policies and guidelines governing the use and management of 450 million acres of national resource lands administered by the Secretary of the Interior through the Bureau of Land Management.

The national resource lands are the largest system of Federal lands, but for many years they were neglected. From 1812 to 1946 they were under the custodial administration of the General Land Office in the Department of the Interior. Its primary responsibility was to survey the land and convey it to qualified applicants. In 1934, pursuant to the Taylor Grazing Act, the Grazing Service was created within the Department. Its responsibility was to administer a grazing district management program designed to protect and regulate the use of the public range lands. The Bureau of Land Management was created in 1946 primarily through the consolidation of the functions of these two agencies.

The variety of responsibilities of the Bureau of Land Management is extraordinary among the Federal resource management agencies. Briefly, it has responsibility for the management of 450 million acres of national resource lands as well as limited management responsibilities on millions of acres of withdrawn lands. It has joint responsibility with the Geological Survey for the administration of the mineral laws on the Outer Continental Shelf and on the over 800 million acres of public domain, acquired lands and lands in which there are mineral reservations. In all, it has at least a part in administering about 60% of the Federal lands. The Bureau also keeps the basic public land records and does land boundary surveys for most Federal lands.

Despite these extensive responsibilities, Congress has never clearly defined the Bureau's mission or the Bureau's authority to accomplish its mission. Unlike the National Park Service and the National Forest Service, the mission and authority of the Bureau of Land Management must be gleaned from some 3,000 land laws which have accumulated over some 170 years.

This piecemeal collection of laws is sometimes conflicting and is grossly inadequate. The Bureau does not have essential administrative authority enjoyed by other Federal agencies such as a working capital fund, authority to enforce its rules and regulations and authority to contract with State and local law enforcement agencies for protection of lands under its jurisdiction.

The bill submitted with this letter would provide the basic mission statement and authority for management, sale, and the administration of the national resource lands. The format of the bill is designed in view of the long-range needs for a legislative base for the management of the national resource lands, as pointed out in various analyses, including that of the Public Land Law Review Commission. Each title of the proposal is designed to permit separate consideration of its provisions and to permit modifications without review of other titles. It also contemplates addition of new titles to cover other subject matter. And, it provides for a separate repealer title which will permit the accumulation of references to repealed legislation. This would be significant to preservation of existing valid rights.

Title I of the proposal, the "National Resource Lands Management Act", directs the Secretary to manage the national resource lands under principles of multiple use and sustained yield and in accordance with comprehensive land use plans which he must prepare. It provides the Secretary with guidelines for developing the land use plans including a requirement that he give priority to the protection of areas of critical environmental concern such as flood plains, coastal zones and scenic or historic areas. The Secretary is also directed to inventory the national resource lands and use the inventory in developing the land use plans. The inventory will provide a thorough knowledge of the national resource lands and purposeful plans for their use will greatly help us to arrest the destruction too long and too carelessly inflicted on these lands.

Title II, the "National Resource Lands Sale Act", would provide modern disposal authority. It would authorize the Secretary to sell tracts of national resource lands for fair market value if they are isolated and not suitable for management by the Bureau of Land Management or any other Federal agency, if they were purchased for a specific purpose and are no longer suitable for that or any other Federal purpose or if transfer would serve an overriding public benefit. It would also authorize the Secretary in certain instances to sell reserved mineral interests in lands to the surface owners.

Title III, the "National Resource Land Administration Act," would provide modern land management tools and procedures designed to facilitate achievement of the goals and objectives established for the national resource lands.

Specifically, it would provide the authority to acquire, by purchase or exchange, lands necessary for authorized programs or for blocking up existing land holdings. It would provide authority to issue a document of disclaimer of interest in land to which the United States no longer claims an interest.

It would establish a working capital fund for the Bureau of Land Management and it would afford a more efficient method of accounting for various programs and service operations of the Bureau of Land Management. But, it would not affect the present funding of operations on or the distribution of receipts from the national resource lands.

It would significantly enhance the management of the national resource lands by making violation of laws or regulations pertaining to them a crime and by vesting enforcement authority in certain designated Departmental employees. The Secretary would be authorized to cooperate with State and local law enforcement agencies and to reimburse the agencies for services on national resource lands.

Title IV would authorize the Secretary to grant rights-of-way for such purposes as pipelines, powerlines and roads. It specifies conditions for granting such rights-of-way including provisions for protection of the environment.

Title V of the proposal would repeal a number of obsolete or superseded laws. These include a hodgepodge of land disposal laws and a number of laws relating to fees, charges, and other administrative matters.

The National Resource Lands are a priceless and irreplaceable national asset. It is time to provide the Department of the Interior with the tools to manage and preserve them in accordance with their value to the American people.

Enclosed is a detailed summary of the bill, including a discussion of the laws that would be repealed, and a draft environmental statement prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

John C. Whitaker

Acting Secretary of the Interior

Hon. Carl Albert
Speaker of the
  House of Representatives
Washington, D. C. 20515

Enclosures

A BILL

To provide for the management, protection, development and sale of the national resource lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the National Resource Lands Management Act of 1973.

SEC. 2. Declaration of Congress. Congress hereby declares: (a) that the national resource lands are a vital national asset containing a wide variety of resource values, (b) that the uses of such lands shall be balanced in a manner which will, using all practical means and measures, protect the environmental quality of such lands for future generations, and (c) that the national interest will best be served by retaining the national resource lands in Federal ownership except where disposal would be consistent with the purposes and conditions of this Act.

SEC. 3. Definitions. As used in this Act:

(a) "Secretary" means the Secretary of the Interior.

(b) "National Resource Lands" means all lands and interests in lands (including the renewable and nonrenewable resources thereof) now and hereafter administered by the Secretary through the Bureau of Land Management, except the Outer Continental Shelf.

(c) "Multiple use" means the management of the national resource lands and their various surface and subsurface resources so that they are utilized in the combination that will best meet the present and future needs of the American people; the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced uses that takes into account the long term needs of future generations for nonrenewable resources and the achievement of diversity and balance for renewable resources; and harmonious and coordinated management of the various resources, each with the other, without permanent impairment of the productivity of the land or undue damage to irreplacable values, with consideration being given to the relative values of the resources, and not necessarily the combination of uses that will give the greatest economic return or the greatest unit output.

(d) "Sustained yield" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of land without permanent impairment of the productivity of the land and its environmental values.

(e) "Areas of critical environmental concern" means those national resource lands as designated by the Secretary where uncontrolled development could result in irreversible damage to important historic, cultural, or esthetic values, or natural systems or processes, or could unreasonably endanger life and property as a result of natural hazards. Such areas shall include--

(1) coastal wetlands, marshes, and other lands inundated by the tides;

(2) beaches and dunes;

(3) significant estuaries, shorelands, and flood plains of rivers, lakes, and streams;

(4) areas of unstable soils and high seismic activity;

(5) rare or valuable ecosystems;

(6) significant agricultural, grazing, and watershed lands;

(7) forests and related land which require long stability for continuing renewal;

(8) scenic or historic areas; and

(9) such additional areas as the Secretary determines to be of critical environmental concern, including lands having the characteristics described in section 2(c) of the Act of September 3, 1964, 78 Stat. 890.

SEC. 4. Rules and Regulations. The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this Act.

SEC. 5. Appropriations. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

TITLE I

GENERAL MANAGEMENT AUTHORITY

SEC. 101. Management. The Secretary shall manage the national resource lands in accordance with section 2 of this Act and with principles of multiple use and sustained yield in a manner which will assure payment of fair market value by users of such lands, unless otherwise provided for by law, and which will provide maximum opportunities for the public to participate in decisionmaking concerning such lands. The Secretary shall manage the national resource lands also in accordance with any applicable land use plans which he has prepared pursuant to section 103, except to the extent that other Federal laws require the Secretary to take specific actions. Management of the national resource lands shall include the authority to:

(a) Regulate, through permits, licenses, leases or such other instruments as the Secretary deems appropriate, the use, occupancy or development of the national resource lands not provided for by other laws;

(b) Require land reclamation as a condition of use, and require performance bonds guaranteeing such reclamation in a timely manner from any person permitted to engage in extractive or other activity likely to cause significant disturbance to or alteration of the national resource lands;

(c) Insert in permits, licenses, leases or other instruments to use, occupy or develop the national resource lands, provisions authorizing revocation or suspension upon violation of any regulations issued by the

Secretary under any Act applicable to the national resource lands or upon violation of any applicable State or Federal air or water quality standard and implementation plans; and

(d) Develop regulations for the protection of areas of critical environmental concern.

SEC. 102. Inventory. The Secretary shall prepare and maintain on a continuing basis an inventory of all national resource lands and their resources giving priority to areas of critical environmental concern. This inventory shall reflect changes in conditions and in identifications of resource values. The Secretary, where he determines it to be appropriate, (a) may provide means of public identification of national resource lands, including signs and maps, and (b) may provide State and local governments with data from the inventory for the purpose of planning and regulating the uses of non-Federal lands in proximity of the national resource lands.

SEC. 103. Land Use Plans.

(a) The Secretary shall develop, maintain, and, when appropriate, revise land use plans for the national resource lands, coordinated so far as he finds feasible and proper, or as may be required by law, with the land use plans of State and local governments and other Federal agencies.

(b) In the development and maintenance of land use plans, the Secretary shall:

(1) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic and social sciences;

(2) give priority to the designation and protection of areas of critical environmental concern;

(3) rely, to the extent it is available, on the inventory of the national resource lands and their resources;

(4) consider present and potential uses of the lands;

(5) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(6) weigh long-term public benefits against short-term local and individual benefits; and

(7) consider the requirements of applicable pollution control laws including State or Federal air and water quality standards, noise standards and implementation plans.

SEC. 104. Disposal Criteria

(a) A tract of national resource lands may be transferred out of Federal ownership under this Act only where as a result of land use planning required under section 103, the Secretary determines that:

(1) such tract of national resource lands is isolated land which is difficult to manage as part of the national resource lands and is not suitable for management by another Federal agency; or

(2) such tract of national resource lands was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or

(3) disposal of such tract of national resource lands will serve important public objectives which cannot be achieved prudently or feasibly on land other than national resource lands and which

outweigh other public objectives and values, including recreation and scenic values, which would be served by maintaining such tract in Federal ownership.

SEC. 105. Public Hearings. The Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give Federal, State and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria in the preparation and execution of plans and programs and in the management of the national resource lands.

SEC. 106. Advisory Boards and Committees. In providing for public participation in planning and programming for the national resource lands, the Secretary may establish under applicable law and consult such advisory boards and committees as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards and committees shall be representative of a cross section of groups interested in management of the national resource lands and the various types of use and enjoyment of such lands.

TITLE II

SALE AUTHORITY

SEC. 201. Authority to Sell. The Secretary is authorized to sell national resource lands under the terms of this Title and section 104 of this Act.

SEC. 202. Size of Tracts. The Secretary shall determine and establish the size of tracts to be sold on the basis of the land use capabilities and development requirements of the lands.

SEC. 203. Competitive Bidding Procedures. Except as to sales under section 206 hereof, sales of national resource lands under this Act shall be conducted under competitive bidding procedures to be established by the Secretary. However, where the Secretary determines it necessary and proper (a) to assure fair distribution among purchasers of national resource lands, or (b) to recognize equitable considerations or public policies, including but not limited to a preference right to users, he is authorized to sell national resource lands without competitive bidding, or with modified competitive bidding. In no event shall national resource lands be sold under this Title for less than the appraised fair market value as determined by the Secretary.

SEC. 204. Right to Refuse or Reject Offer of Purchase. Until the Secretary has accepted an offer to purchase, he may refuse to accept any offer or may withdraw any land or interest in land from sale under this Act when he determines that consummation of the sale would not be consistent with this Act or other applicable law.

SEC. 205. Reservation of Mineral Interests. Except where the Secretary finds that (a) there are no mineral values in the land or (b) reservation of the mineral rights in the United States would interfere with or preclude the appropriate development of the land and that such development is a more beneficial use of the land than mineral development, all conveyances of title issued by the Secretary under this Title shall reserve to the United States all mineral deposits in the lands, together with the right to prospect for, explore for and remove the mineral deposits under applicable Federal law and such regulations as the Secretary may prescribe.

SEC. 206. Conveyance of Reserved Mineral Interests.

(a) The Secretary may convey mineral interests owned by the United States where the surface is in non-Federal ownership, regardless of which Federal agency may have administered the surface, if he finds that (1) there are no mineral values in the land, or (2) that the reservation of the mineral rights in the United States is interfering with or precluding appropriate development of the land and that such development is a more beneficial use of the land than mineral development.

(b) Sales of mineral interests owned by the United States where the surface is in non-Federal ownership shall be made only to the record owner of the surface, upon payment of administrative costs and the fair market value of the interests being conveyed.

(c) Before considering an application for conveyance of mineral interests pursuant to this section the Secretary shall require the deposit of a sum of money which he deems sufficient to cover administrative costs including, but not limited to, costs of conducting an exploratory program to determine the character of the mineral deposits in the land, evaluating the data obtained under the exploratory program to determine the fair market value of the mineral rights to be conveyed, and preparing and issuing the documents of conveyance. If the administrative costs exceed the deposit, the applicant shall pay the outstanding amount; and if the deposit exceeds the administrative costs, the applicant shall be given a credit for or refund of the excess.

(d) Moneys paid to the Secretary for administrative costs shall be paid to the agency which rendered the service and deposited to the appropriation then current.

SEC. 207. Terms of Patent. The Secretary shall insert in any patent or other documents of conveyance he issues under this Title, such terms, covenants, conditions and reservations as he deems necessary to insure proper land use, environmental integrity and protection of the public interest. In the event any area which the Secretary has identified as an area of critical environmental concern is conveyed out of Federal ownership pursuant to this Title, the patent or other document of conveyance shall provide for the continued protection of such area and the features which prompted the identification.

TITLE III

MANAGEMENT IMPLEMENTING AUTHORITY

SEC. 301. Studies, Cooperative Agreements, and Contributions.

(a) The Secretary may conduct investigations, studies, and experiments, on his own initiative or in cooperation with others, involving the management, protection, development and sale of the national resource lands.

(b) The Secretary may enter into contracts or cooperative agreements, involving the management, protection, development and sale of the national resource lands.

(c) The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development and sale of the national resource lands, including the acqusition of rights-of-way for such purposes. He may accept contributions for cadastral surveying performed on federally controlled or intermingled lands. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to the function toward the administration of which the contributions were made and for refunds to depositors of amounts contributed by them in specific instances where contributions are in excess of their share of the cost.

SEC. 302. Service Charges and Excess Payments.

(a) Notwithstanding any other provision of law, the Secretary may establish reasonable filing fees, service fees and charges, and commissions with respect to applications and other documents relating to national resource lands, and may change and abolish such fees, charges, and commissions.

(b) In any case where it shall appear to the satisfaction of the Secretary that any person has made a payment under any statute relating to the sale, lease, use, or other disposition of the national resource lands which is not required or is in excess of the amount required, by applicable law and the regulations issued by the Secretary, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds.

SEC. 303. Working Capital Fund.

(a) There is hereby established a national resource lands management working capital fund. This fund shall be available without fiscal year limitation for expenses necessary for furnishing in accordance with the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and regulations promulgated thereunder, supplies and equipment services in support of Bureau of Land Management programs, including but not limited to, the purchase or construction of storage facilities, equipment yards and related improvements and the purchase, lease or rent of motor vehicles, aircraft, heavy equipment, and fire control equipment within the limitations set forth in appropriations made to the Bureau of Land Management.

(b) The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund's inception of the inventories, equipment, receivables and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) The fund shall be credited with payments from appropriations and funds of the Bureau of Land Management, other agencies of the Department of the Interior, other Federal agencies, and other sources as authorized by law, at rates approximately equal to the cost of furnishing the facilities, supplies, equipment, and services (including depreciation and accrued annual leave). Such payments may be made in advance in connection with firm orders, or by way of reimbursement.

(d) There is hereby authorized to be appropriated not to exceed $3 million as initial capital of the working capital fund.

SEC. 304. Deposits and Forfeitures.

(a) Any moneys received by the United States as a result of the forfeiture of a bond or deposit by a timber purchaser or permittee who does not fulfill the requirements of his contract or permit or does not comply with the regulations of the Department, or as a result of a compromise or settlement of any claim whether sounding in tort or in contract involving present or potential damage to timberlands, shall be credited to a separate account in the Treasury and are hereby appropriated and made available, until expended as the Secretary may direct, to cover the c to the United States of any forest improvement, protection, or rehabilitation work, which has been rendered necessary by the action which has led to the forfeiture, compromise, or settlement. [illegible]

[illegible] purposes of the fund.

(b) The Secretary may require a user or users of roads or trails under the jurisdiction of the Bureau of Land Management to maintain such roads or trails in a satisfactory condition commensurate with the particular use requirements and the use made by each, the extent of such maintenance to be shared by the users in proportion to such use or, if such maintenance cannot be so provided, to deposit sufficient money to enable the Secretary to provide such maintenance. Such deposits shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, to cover the cost to the United States of the maintenance of any road or trail under the jurisdiction of the Bureau of Land Management.

(c) Any moneys collected under this Act in connection with lands administered under the Act of August 28, 1937, 50 Stat. 874, as amended, shall be expended for the benefit of such land only.

(d) If any portion of a deposit or amount forfeited under this Act is found by the Secretary to be in excess of the cost of doing the work authorized under this Act, the amount in excess shall be transferred to miscellaneous receipts.

SEC. 305. Contracts for Cadastral Survey Operations and Fire Protection.

(a) The Secretary is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor for airborne cadastral survey and fire protection operations of the Bureau of Land Management. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred.

(b) Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

SEC. 306. Acquisition of Land.

(a) When public interests will be benefited thereby, the Secretary is authorized to acquire by purchase, exchange, donation or otherwise, lands or interests therein including, but not limited to, the right of access by the general public to national resource lands. Such acquisitions shall be consistent with applicable land use plans prepared by the Secretary under section 103 of this Act.

(b) In exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal land or interests therein and in exchange therefor he may convey to the grantor of such land or interests any national resource lands or interests therein which, under section 104 of this Act, he finds proper for transfer out of Federal ownership and which are located in the same State as the non-Federal land to be acquired. The values of the lands so exchanged either shall be equal, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require.

(c) Lands acquired by exchange under this section or section 301(c) which are within the boundaries of the National Forest System may be transferred to the Secretary of Agriculture for administration as part of, and in accordance with laws, rules and regulations applicable to the National Forest System.

(d) Lands and interests in lands acquired pursuant to this section or section 301(c) shall, upon acceptance of title, become national resource lands, and for the administration of public land laws not repealed by this Act, shall become public lands. If such acquired lands or interests in lands are located within the exterior boundaries of a grazing district established pursuant to section 1 of the Taylor Grazing Act, 48 Stat. 1269, as amended, they shall become a part of that district.

SEC. 307. Authority to Issue and Correct Documents of Conveyance.

Consistent with his authority to dispose of national resource lands, the Secretary is authorized to issue deeds, patents, and other indicia of title, and to correct such documents where necessary. In addition, the

Secretary is authorized to make corrections on any documents of conveyance which have heretofore been issued on lands which would, at the time of their conveyance, have met the description of national resource lands.

SEC. 308. Recordable Disclaimers of Interest in Land.

(a) After consulting with any affected Federal agency, the Secretary is authorized to issue a document of disclaimer of interest or interests in any lands in any form suitable for recordation, where the disclaimer will help remove a cloud on the title of such lands and where: (1) a record interest of the United States in lands has terminated by operation of law; or (2) the lands lying between the meander line shown on a plat of survey approved by the Bureau of Land Management or its predecessors and the actual shoreline of a body of water are not lands of the United States; or (3) accreted, relicted, or avulsed lands are not lands of the United States.

(b) No document of disclaimer shall be issued pursuant to this title until the applicant therefor has paid to the Secretary the administrative costs of issuing the disclaimer as determined by the Secretary. All receipts shall be credited to the appropriation from which expended.

(c) Issuance of a document of disclaimer by the Secretary pursuant to the provisions of this Title and regulations promulgated thereunder, shall have the same effect as a quitclaim deed from the United States.

SEC. 309. Unauthorized Use. The use, occupancy or development of any portion of the national resource lands, contrary to any regulation of the Secretary or other responsible authority, or contrary to any order issued pursuant to any such regulation is unlawful and prohibited.

SEC. 310. Enforcement Authority.

(a) Any violation of regulations which the Secretary issues with respect to the management, protection, development and sale of the national resource lands and property located thereon and which the Secretary identifies as being subject to this section shall be punishable by a fine of not more than $500 or imprisonment for not more than six months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of Title 18 of the United States Code.

(b) At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from utilizing the national resource lands in violation of regulations issued under this Act.

(c) The Secretary may designate and authorize any employee to make arrests on national resource lands without warrant for any misdemeanor or violation of any law or regulation committed in his presence or view, or for any felony if the arresting officer has probable cause to believe that the person arrested has committed or is committing such felony and a delay in obtaining a warrant would jeopardize the possibility of his apprehension. Such authorized employee may execute on the national resource lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation. Such authorized employee, while engaged in carrying out his official duties, may carry such firearms as are authorized by the Secretary. Such employee may also pursue and arrest outside national resource lands a person fleeing from national resource lands to avoid an arrest or service of process which the employee is authorized to make on national resource lands.

SEC. 311. Cooperation with State and Local Law Enforcement Agencies.

In connection with administration and regulation of the use and occupancy of the national resource lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof. Such cooperation may include reimbursement to a State or its subdivision for expenditures incurred by it in connection with activities which assist in the administration and regulation of use and occupancy of national resource lands.

TITLE IV

AUTHORITY TO GRANT RIGHTS-OF-WAY

SEC. 401. Definitions. As used in this Title:

(a) "Right-of-way" means an easement, lease, permit, or license to occupy, use or traverse lands.

(b) "Federal lands" means all lands owned by the United States except (1) lands in the National Park System, (2) lands in the National Wildlife Refuge System, (3) lands on the Outer Continental Shelf, (4) lands in national wilderness preservation system after December 31, 1983, and (5) lands held by the United States in trust for any Indian or Indian tribe, and lands held or owned by any Indian or Indian tribe under a limitation or restriction on alienation requiring the consent of the United States.

(c) "Holder" means any State or local governmental entity or agency, individual, partnership, corporation, association, or other business entity receiving a right-of-way hereunder.

SEC. 402. Authorization to Grant Rights-of-Way for Oil and Gas Pipelines.

(a) The Secretary may grant, or issue, or renew rights-of-way over, upon or through all Federal lands for pipeline purposes for the transportation of oil or natural gas and storage and terminal facilities in connection therewith. Such rights-of-way shall extend to (1) the lands occupied by the pipeline and its appurtenances, including but not limited to the line of pipe, valves, pump stations, supporting structures (including berms), monitoring devices, surge and storage tanks, and terminals; (2) the lands occupied by facilities necessary for the operation or maintenance of the pipeline and its appurtenances; and (3) such adjacent lands as are necessary to provide for access, operation, maintenance or public safety.

(b) Where the surface of the Federal lands is administered by another Federal agency, the consent of the head of that agency shall first be obtained.

(c) Pipelines and terminals on such rights-of-way shall be constructed, operated and maintained as common carriers, and the owners or operators thereof shall accept, convey, transport, or purchase, without discrimination, oil or natural gas produced from Federal lands in the vicinity of the pipeline in such proportionate amounts as the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine to be reasonable; however, the common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

(d) Hereafter, no right-of-way shall be granted, issued or renewed over, upon or through Federal lands, as defined herein, for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section and sections 404-409 of this Act.

(e) Nothing in this section shall be deemed to limit in any way the authority of the Secretary to make grants, issue leases, licenses or permits, or enter into contracts under other provisions of law, for purposes ancillary or complementary to the construction, operation, maintenance or termination of such a pipeline.

SEC. 403. Authorization to Grant Rights-of-Way for Other Purposes.

The Secretary may grant, issue, or renew rights-of-way over, upon, or through the national resource lands for:

(a) Reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water;

(b) Pipelines and other systems for the transportation or distribution of liquids and gases, other than oil, water and natural gas, and for storage and terminal facilities in connection therewith;

(c) Pipelines, slurry and emulsion systems, and conveyor belts for transportation and distribution of solid materials, and facilities for the storage of such materials in connection therewith;

(d) Systems for generation, manufacture, transmission and distribution of electric power and energy, except insofar as the Federal Power Commission has jurisdiction under the Act of June 10, 1920, as amended, 16 U.S.C. 796, 797;

(e) Systems for transmission or reception of radio, television, telegraph, and other electronic signals, and other means of communication; and

(f) Roads, trails, highways, railroads, canals, tramways, airways, livestock driveways, or other means of transportation.

SEC. 404. General Provisions.

(a) The Secretary shall specify the boundaries of each right-of-way as precisely as is practical. Each right-of-way granted, issued or renewed pursuant to this Title shall extend to the ground occupied by the facilities which the Secretary determines to constitute the project or portions of the project for which the right-of-way is given. The Secretary by lease, license, or permit may authorize the use of such additional lands as he determines to be necessary for the construction, operation, maintenance, or termination of the project or a portion thereof, or for access thereto.

(b) The Secretary shall determine the duration of each right-of-way or other authorization to be granted, issued, or renewed pursuant to this Title, and shall also determine whether the right-of-way shall confer exclusive or non-exclusive use.

(c) Rights-of-way granted, issued, or renewed pursuant to this Title shall be given under such regulations and subject to such terms and conditions as the Secretary may prescribe regarding extent, duration, application, charge, survey, location, construction, operation, maintenance and termination.

(d) The Secretary, prior to granting, issuing, or renewing a right-of-way pursuant to this Title which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation and rehabilitation which shall comply with regulations issued by the Secretary designed to insure that the use of the right-of-way will have the minimum adverse impact on the environment. The Secretary shall issue regulations which shall include, but shall not be limited to: requirements to insure that activities in connection with the right-of-way will not violate applicable air and water quality standards; and requirements to control or prevent (1) damage to the environment (including damage to fish and wildlife habitat), (2) damage to public or private property, and (3) hazards to public health and safety. Such regulations shall be regularly revised. The issuance or revision of such regulations shall be applicable to every right-of-way granted, issued or renewed pursuant to this title, irrespective of whether that right-of-way was granted, issued or renewed prior to the issuance or revision of such regulations.

(e) Mineral and vegetative materials, including timber, within or without a right-of-way, may be used or disposed of in connection with construction or other purposes only if authorization to remove or use such materials has been obtained pursuant to applicable laws.

(f) No right-of-way shall be issued for less than the fair market value thereof, except that rights-of-way may be granted, issued or renewed to State or local governments or agencies or instrumentalities thereof, or to nonprofit associations or nonprofit corporations, for such lesser charge as the Secretary finds equitable and in the public interest.

(g) The Secretary shall promulgate regulations specifying the extent to which holders of rights-of-way under this Title shall be liable to the United States for damage or injury incurred by the United States in connection with the right-of-way. The regulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liabilities, damages or claims arising in connection with the right-of-way.

(h) Where he deems it appropriate, the Secretary may require a holder of a right-of-way to furnish a bond, or other security, satisfactory to the Secretary, to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or by any rule or regulation of the Secretary.

(i) The Secretary shall grant, issue, or renew a right-of-way under this Title only when he is satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested.

SEC. 405. Terms and Conditions. Each right-of-way shall contain such terms and conditions as the Secretary deems necessary to: carry out the purposes of this Title and rules and regulations hereunder; implement other Federal statutes and regulations, particularly any which in any way affect the right-of-way itself or the project for which the right-of-way is required; protect the environment; protect Federal property and monetary interests; manage efficiently Federal lands or national resource lands which are subject to the right-of-way or adjacent thereto; protect lives and property; implement Federal programs and policies; and protect the public interest.

SEC. 406. Suspension or Termination of Right-of-Way.

(a) The Secretary may suspend or terminate any right-of-way granted, issued or renewed pursuant to this Title if, after due notice to the holder of the right-of-way and an appropriate administrative proceeding, he determines that such action is appropriate; however, no administrative proceeding shall be required where the right-of-way by its terms provides that it exists at the will of the Secretary.

(b) Abandonment of the right-of-way or noncompliance with any provision of this Title, condition of the right-of-way, or applicable rule or regulation of the Secretary, may be grounds for termination of the right-of-way. Failure of the holder of the right-of-way to use the right-of-way for the purpose for which it was granted, issued, or renewed, for any two-year period, shall be presumed to constitute abandonment of the right-of-way.

SEC. 407. Rights-of-Way for Federal Agencies.

(a) The Secretary may set aside for the use of any department or agency of the United States a right-of-way over, upon or through the national resource lands, subject to such terms and conditions as he may impose. The provisions of Sections 404-409 of this Title shall be applicable to such rights-of-way to the extent the Secretary deems necessary.

(b) Where a right-of-way has been set aside for the use of any department or agency of the United States, other than the Department of the Interior, the Secretary shall take no action to terminate, or otherwise limit, that use without the consent of the head of that other department or agency.

SEC. 408. Conveyance of Lands.

(a) If the Secretary decides to transfer out of Federal ownership by patent, deed, or otherwise, any national resource lands covered in whole or in part by a right-of-way, the lands may be conveyed subject to the right-of-way; however, if the Secretary determines that the right-of-way is of such a nature that continued Federal control is necessary in the public interest, he may (1) reserve to the United States that portion of the lands which lies within the boundaries of the right-of-way, or (2) convey the lands, including that portion within the boundaries of the right-of-way, subject to the right-of-way and reserving to the United States the right to enforce all or any of the terms and conditions of the right-of-way, including the right to renew it or extent it upon its termination and to collect rents.

(b) Where the Secretary determines to transfer out of Federal ownership national resource lands covered in whole or in part by a right-of-way, he may offer the holder of the right-of-way a preference right to purchase that portion of the lands which are within the boundaries of the right-of-way, if in the judgment of the Secretary such action is (1) necessary to protect the holder's rights in the right-of-way and (2) not contrary to the public interest.

SEC. 409. Existing Rights-of-Way. Nothing in this Act shall have the effect of terminating any existing right-of-way authorized pursuant to any statute hereby repealed. However, with the consent of the holder thereof, the Secretary may cancel such a right-of-way and in its stead issue a right-of-way pursuant to this Act.

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TITLE V

CONSTRUCTION OF LAW, PRESERVATION OF VALID EXISTING RIGHTS AND REPEAL OF LAWS

SEC. 501. Construction of Law.

(a) Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States, or as affecting in any way any law governing appropriation or use of, or Federal right to, water on National Resource Lands.

(b) Nothing in this Act shall be construed as a limitation upon any State criminal statute, nor on the police power of the respective States, nor to derogate the authority of a local police officer in the performance of his duties, not to deprive any State or political subdivision thereof of any right it may have to exercise civil and criminal jurisdiction on the National Resource Lands.

(c) The authority conferred upon the Secretary by this Act is in addition to all other authority vested in him by law, and nothing in this Act shall be construed to repeal any such other authority by implication. However, the Secretary may exercise the authority granted herein notwithstanding any other provision of law.

SEC. 502. Valid Existing Rights. This Act shall be subject to valid rights existing on the date of approval of this Act.

SEC. 503. Repeal of Laws Relating to Disposal of National Resource Lands.

(a) The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S.Code
1. Homesteads				
Revised Statute 2289				161, 171
Mar. 3, 1891	561	5	26:1096	161, 162
Revised Statute 2290				162
Revised Statute 2295				163
Revised Statute 2291				164
June 6, 1912	153		37:123	164, 169, 218
May 14, 1880	89		21:141	166, 185, 202, 223
June 6, 1900	821		31:683	166, 223
Aug. 9, 1912	280		37:267	
Apr. 6, 1914	51		38:312	167
Mar. 1, 1921	90		41:1193	
Oct. 17, 1914	325		38:740	168
Revised Statute 2297				169
Mar. 3, 1881	153		21:511	
Oct. 22, 1914	335		38:766	170
Revised Statute 2292				171
June 8, 1880	136		21:166	172
Revised Statute 2301				173
Mar. 3, 1891	561	6	26:1098	
June 3, 1896	312	2	29:197	
Revised Statute 2288				174
Mar. 3, 1891	561	3	26:1097	
Mar. 3, 1905	1424		33:991	
Revised Statute 2296				175
Apr. 28, 1922	155	42:502		
May 17, 1900	479	1	31:179	179
Jan. 26, 1901	180		31:740	180

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Sept. 5, 1914	294		38:712	182
Revised Statute 2300				183
Aug. 31, 1918	166	8	40:957	
Sept. 13, 1918	173		40:960	
Revised Statute 2302				184, 201
July 26, 1892	251		27:270	185
Feb. 14, 1920	76		41:434	186
Jan. 21, 1922	32		42:358	
Dec. 28, 1922	19		42:1067	
June 12, 1930	471		46:580	
Feb. 25, 1925	326		43:981	187
June 21, 1934	690		48:1185	187a
May 22, 1902	821	2	32:203	187b
June 5, 1900	716		31:270	188, 217
Mar. 3, 1875	131	15	18:420	189
July 4, 1884	180		23:96	190
	Only last paragraph of section 1			
Mar. 1, 1933	160	1	47:1418	190a
	The following words only: "Provided, That no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah, nor shall further Indian homesteads be made in said county under the Act of July 4, 1884 (23 Stat. 96; U.S.C. title 43, sec. 190)."			
Revised Statutes 2310, 2311				191
June 13, 1902	1080		32:384	203
Mar. 3, 1879	191		20:472	204
July 1, 1879	60		21:46	205
May 6, 1886	88		24:22	206

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Aug. 21, 1916	361		39:518	207
June 3, 1924	240		43:357	208
Revised Statute 2298				211
Aug. 30, 1890	837		26:391	212

The following words only: "No person who shall after the passage of this act, enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry or settlement, is validated by this act:"

Mar. 3, 1891	561	17	26:1101	

The following words only: "and that the provision of "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes," which reads as follows, viz: "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws."

Apr. 28, 1904	1776		33:527	213
Aug. 3, 1950	521		64:398	
Mar. 2, 1889	381	6	25:854	214
Feb. 20, 1917	98		39:925	215
Mar. 4, 1921	162	1	41:1433	216

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Feb. 19, 1909	160		35:639	218
June 13, 1912	166		37:132	
Mar. 3, 1915	84		38:953	
Mar. 3, 1915	91		38:957	
Mar. 4, 1915	150	2	38:1163	
July 3, 1916	220		39:344	
Feb. 11, 1913	39		37:666	218, 219
June 17, 1910	298		36:531	219
Mar. 3, 1915	91		38:957	
Sept. 5, 1916	440		39:724	
Aug. 10, 1917	52	10	40:275	
Mar. 4, 1915	150	1	38:1162	220
Mar. 4, 1923	245	1	42:1445	222
Apr. 28, 1904	1801		33:547	224
Mar. 2, 1907	2527		34:1224	
May 29, 1908	220	7	35:466	
Aug. 24, 1912	371		37:499	
Aug. 22, 1914	270		38:704	231
Feb. 25, 1919	21		40:1153	
July 3, 1916	214		39:341	232
Sept. 29, 1919	64		41:288	233
Apr. 6, 1922	122		42:491	233, 272, 273
Mar. 2, 1889	381	3	25:854	234
Dec. 29, 1894	14		28:599	

Act of	Chapter	Section	Statute at Large	43 U.S.Code
July 1, 1879	63	1	21:48	235
Dec. 20, 1917	6		40:430	236
July 24, 1919	26	Next to last paragraph only	41:271	237
Mar. 2, 1932	69		47:59	237a
May 21, 1934	320		48:787	237b
May 22, 1935	135		49:286	237c
Aug. 19, 1935	560		49:659	237d
Mar. 31, 1938	57		52:149	
Apr. 20, 1936	239		49:1235	237e
July 30, 1956	778	1,2,4	70:715	237f, g, h
Mar. 1, 1921	102		41:1202	238
Apr. 7, 1922	125		42:492	
Revised Statute 2308				239
June 16, 1898	458		30:473	240
Aug. 29, 1916	420		39:671	
Apr. 7, 1930	108		46:144	243
Mar. 3, 1933	198		47:1424	243a
Mar. 3, 1879	192		20:472	251
Mar. 2, 1889	381	7	25:855	252
June 3, 1878	152		20:91	253
Revised Statute 2294				254
May 26, 1890	355		26:121	
Mar. 11, 1902	182		32:63	
Mar. 4, 1904	394		33:59	
Feb. 23, 1923	105		42:1281	
Revised Statute 2293				255
Oct. 6, 1917	86		40:391	
Mar. 4. 1913	149	Only last paragraph of section headed "Public Land Service"	37:925	256
May 13, 1932	178		47:153	256a
June 16, 1933	99		48:274	
July 26, 1935	419		49:504	
June 16, 1937	361		50:303	
Aug. 27, 1935	770		49:909	256b

Act of	Chapter	Section	Statute at Large	43 US.Code
Sept. 30, 1890	J.Res.59		26:684	261
June 16, 1880	244		21:287	263
Apr. 18, 1904	25		33:589	
Revised Statute 2304				271
Mar. 1, 1901	674		31:847	271, 272
Revised Statute 2305				272
Feb. 25, 1919	37		40:1161	272a
Dec. 28, 1922	19		42:1067	
Revised Statute 2306				274
Mar. 3, 1893	208		27:593	275

The following words only: "And provided further: That where soldier's additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land; but no person shall be permitted to acquire more than one hundred and sixty acres of public land through the location of any such certificate."

Act of	Chapter	Section	Statute at Large	43 US.Code
Aug. 18, 1894	301	Only last paragraph of Section headed "Surveying the Public Lands"	28:397	276
Revised Statute 2309				277
Revised Statute 2307				278
Sept. 21, 1922	357		42:990	
Sept. 27, 1944	421		58:747	279-283
June 25, 1946	474		60:308	279
May 31, 1947	88		61:123	279, 280, 282
June 18, 1954	306		68:253	279, 282
June 3, 1948	399		62:305	283, 284
Dec. 29, 1916	9	1-8	39:862	291-298
Feb. 28, 1931	328		46:1454	291
June 9, 1933	53		48:119	291
June 6, 1924	274		43:469	292
Oct. 25, 1918	195		40:1016	293
Sept. 29, 1919	63		41;287	294, 295
Mar. 4, 1923	245	2	42:1445	302
Aug. 21, 1916	361		39:518	1075
Aug. 28, 1937	876	3	50:875	1181c

Act of	Chapter	Section	Statute at Large	43 U.S.Code
2. Desert Land Entries				
Mar. 3, 1877	107	2,3	19:377	322-323, 325, 327-329
Mar. 3, 1891	561	2	26:1096	
	Except the words: ". . . all acts and parts of acts in conflict with this act are hereby repealed."			
Jan. 6, 1921	12		41:1086	
Mar. 28, 1908	112		35:52	324, 326, 333
Feb. 27, 1917	134		39:946	330
Mar. 1, 1921	102		41:1202	331
Dec. 15, 1921	3		42:348	
Aug. 7, 1917	48		40:250	332
Apr. 30, 1912	101		37:106	334
Feb. 25, 1925	329		43:982	336
July 30, 1956	778		70:715	336a-d
Mar. 4, 1915	147	5	38:1161	335,337,338
Mar. 21, 1918	26		40:458	
Mar. 4, 1929	687		45:1548	339
Feb. 14, 1934	9		48:349	
3. Sale and Disposal Laws				
Mar. 3, 1891	561	9	26:1099	671
Revised Statute 2354				673
Revised Statute 2355				674
May 18, 1898	344	2	30:418	675
Revised Statute 2365				676
Revised Statute 2357				678
June 15, 1880	227	3,4	21:238	679,680
Mar. 2, 1889	381	4	25:854	681
Mar. 1, 1907	2286		34:1052	682
June 1, 1938	317		52:609	682a-e
July 14, 1945	298		59:467	
June 8, 1954	270		68:239	

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Revised Statute 2361				688
Revised Statute 2362				689
Revised Statute 2363				690
Revised Statute 2368				691
Revised Statute 2366				692
Revised Statute 2369				693
Revised Statute 2370				694
Revised Statute 2371				695
Revised Statute 2374				696
Revised Statute 2372				697
Feb. 24, 1909	181		35:645	
May 21, 1926	353	The two provisos only	44:591	
Revised Statute 2375				698
Revised Statute 2376				699
Mar. 2, 1889	381	1	25:854	700

Act of	Chapter	Section	Statute at Large	43 U.S.Code
4. Townsite Reservation and Sale				
Revised Statute 2380				711
Revised Statute 2381				712
Revised Statute 2382				713
Aug. 24, 1954	904		68:792	
Revised Statute 2383				714
Revised Statute 2384				715
Revised Statute 2386				717
Revised Statute 2387				718
Revised Statute 2388				719
Revised Statute 2389				720
Revised Statute 2391				721
Revised Statute 2392				722
Revised Statute 2393				723
Revised Statute 2394				724
Mar. 3, 1877	113	1,3,4	19:392	725-727
Mar. 3, 1891	561	16	26:1101	728
July 9, 1914	138		38:454	730
Feb. 9, 1903	531		32:820	731
5. Drainage Under State Laws				
May 20, 1908	181	7	35:171	1027
May 1, 1958	P.L.85-387		72:99	1029-1034
Jan. 17, 1920	47		41:392	1041-1048

Act of	Chapter	Section	Statute at Large	43 U.S.Code

6. Abandoned Military Reservation

Act of	Chapter	Section	Statute at Large	43 U.S.Code
July 5, 1884	214	5	23:104	1074
Aug. 21, 1916	361		39:518	1075
Mar. 3, 1893	208		27:593	1076

The following words only: "Provided, That the President is hereby authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place."

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Aug. 23, 1894	314		28:491	1077, 1078
Feb. 11, 1903	543		32:822	1079
Feb. 15, 1895	92		28:664	1080, 1077
Apr. 23, 1904	1496		33:306	1081

7. Public Lands: Oklahoma

Act of	Chapter	Section	Statute at Large	43 U.S.Code
May 2, 1890	182	Last paragraph of section 18 and sections 20, 21, 22, 24, 27	26:90	1091-1094, 1096, 1097
Mar. 3, 1891	543	16	26:1026	1098
Aug. 7, 1946	772	1,2	60:872	1100-1101
Aug. 3, 1955	498	1-8	69:445	1102-1102g
May 14, 1890	207		26:109	1111-1117
Sept. 1, 1893	J.Res.4		28:11	1118
May 11, 1896	168	1,2	29:116	1119
Jan. 18, 1897	62	1-3,5,7	29:490	1131-1134
June 23, 1897	8		30:105	
Mar. 1, 1899	328		30:966	

8. Sales of Isolated Tracts

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Revised Statute 2455				1171
Feb. 26, 1895	133		28:687	
June 27, 1906	3554		34:517	
Mar. 28, 1912	67		37:77	
Mar. 9, 1928	164		45:253	
June 28, 1934	865	14	48:1274	
July 30, 1947	383		61:630	

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Apr. 24, 1928	428		45:457	1171a
May 23, 1930	313		46:377	1171b
Feb. 4, 1919	13		40:1055	1172
May 10, 1920	178		41:595	1173
Aug. 11, 1921	62		42:159	1175
May 19, 1926	337		44:566	1176
Feb. 14, 1931	170		46:1105	1177
9. Alaska Special Laws				
Mar. 3, 1891	561	11	26:1099	732
May 25, 1926	379		44:629	733-736
May 29, 1963	P.L. 88-34		77:52	
July 24, 1947	305		61:414	738
May 14, 1898	299	1	30:409	270
Mar. 3, 1903	1002		32:1028	
Apr. 29, 1950	137	1	64:94	
August 3, 1955	496		69:444	270, 687a-2
April 29, 1950	137	2-5	64:95	270, 270-5,
July 11, 1956	571	2	70:529	270-6, 270-7, 687a-1
July 8, 1916	228		39:352	270-8, 270-9,
June 28, 1918	110		40:632	270-10, 270-13,270-14
July 11, 1956	571	1	70:528	
Mar. 8, 1922	96	1	42:415	270-11
Aug. 23, 1958	P.L. 85-725	1, 4	72:730	
Aug. 17, 1961	P.L. 87-147		75:384	270-13
Oct. 3, 1962	P.L. 87-742		76:740	
April 13, 1926	121		44:243	270-15,
April 29, 1950	134	3	64:93	270-16, 270-17

Act of	Chapter	Section	Statute at Large	43 U.S.Code
May 14, 1898	299	10	30:413	270-4,
Mar. 3, 1927	323		44:1364	687a-1 to
May 26, 1934	357		48:809	687a-5
Aug. 23, 1958	P.L. 85-725	3	72:730	
Mar. 3, 1891	561	13	26:1100	687a-6
Aug. 30, 1949	521		63:679	687b to 687b-
July 19, 1963	P.L. 88-66		77:80	687b-5

10. Pittman Underground Water Act

Sept. 22, 1922	400		42:1012	356

11. Indian Allotments

				25 U.S.Code
Feb. 8, 1887	119	4	24:389	334
Feb. 28, 1891	383	4	26:795	336
June 25, 1910	431	17*	36:860	

* Only to the extent it amends section 4 of the Act of February 28, 1891, 26 Stat 794, 25 U.S.C. § 336.

(b) Section 7 of the Taylor Grazing Act, 48 Stat. 1272, Chapter 865, as amended by section 2 of the Act of June 26, 1936, 49 Stat. 1976, Chapter 842, Title I, 43 U.S.C., §315f, is further amended to read as follows:

> "The Secretary of the Interior is authorized, in his discretion, to examine and classify any lands withdrawn or reserved by Executive Order of November 26, 1934 (numbered 6910), and amendments thereto, and Executive Order of February 5, 1935 (numbered 6964), or within a grazing district, which are more valuable or suitable for any other use than for the use provided for under this Act, or proper for acquisition in satisfaction of any outstanding lieu, exchange or land grant, and to open such lands to disposal in accordance with such classification under applicable public land laws. Such lands shall not be subject to disposition until after the same have been classified and opened to disposal".

(c) Section 1 of the Act of March 3, 1877, 19 Stat. 377, Chapter 107, as amended by section 2 of the Act of March 3, 1891, 26 Stat. 1096, Chapter 561, 43 U.S.C. §321, is repealed except the following language:

> "All surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining and manufacturing purposes subject to existing rights."

(d) Section 2 of the Act of March 8, 1922, 42 Stat. 416, Chapter 96, as amended by section 2 of the Act of August 23, 1958, 72 Stat. 730, P.L. 85-725, 43 U.S.C. §270-12, is further amended to read:

> "The coal, oil or gas deposits reserved to the United States in accordance with the Act of March 8, 1922, 42 Stat. 415, Chapter 96, as added to by the Act of August 17, 1961, 75 Stat. 384, P.L. 87-147, and amended by the Act of October 3, 1962, 76 Stat. 740, P.L. 87-742, shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil or gas deposits or coal, oil or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine or remove the coal or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times to enter upon the lands patented under the Act of March 8, 1922, as amended, and in accordance with the provisions hereof, for the purpose of prospecting for coal, oil or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal

or drill for and remove oil and gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: Provided, that the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits; Provided, further, that nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase."

(e) Section 3 of the Act of August 30, 1949, 63 Stat. 679, Chapter 521, 43 U.S.C. §687b-2, is amended to read:

"Notwithstanding the provisions of any Act of Congress to the contrary, any person who prospects for, mines or removes any minerals from any land disposed of under the Act of August 30, 1949, 63 Stat. 679, Chapter 521, shall be liable for any damage that may be caused to the value of the land and tangible improvements thereon by such prospecting for, mining, or removal of minerals. Nothing in this section shall be construed to impair any vested right in existence on August 30, 1949."

SEC. 504. Repeal of Laws Relating to Administration of National Resource Lands.

The following statutes or parts of statutes are repealed:

	Act of	Chapter	Section	Statute at Large	43 U.S.Code
1.	March 2, 1895	174		28:744	176
2.	June 28, 1934	865	8	48:1272	315g
	June 26, 1936	842	3	49:1976, Title I	
	June 19, 1948	548	1	62:533	
	July 9, 1962	P.L. 87-524		76:140	315g-1
3.	August 24, 1937	744		50:748	315p
4.	March 3, 1909	271	2nd proviso only	35:845	772
	June 25, 1910	J. Res. 40		36:884	
5.	June 21, 1934	689		48:1185	871a
6.	Revised Statute	2447			1151
	Revised Statute	2448			1152
7.	June 6, 1874	223		18:62	1153, 1154
8.	January 28, 1879	30		20:274	1155
9.	May 30, 1894	87		28:84	1156
10.	Revised Statute	2450			1161
	February 27, 1877	69	1	19:244	
	The following words only: "Section twenty-four hundred and fifty is amended by striking out, in the fourth line, the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior'".				
	Revised Statute	2451			1162
	February 27, 1877	69	1	19:244	
	The following words only: "Section twenty-four hundred and fifty-one is amended by striking out, in the first and second lines, the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior'".				
	Revised Statute	2456			1163
	September 20, 1922	350		42:857	
	The words: "... and sections 2450, 2451, and 2456 be amended to read as follows:" and all words following in the Act.				
	Revised Statute	2457			1164

	Act of	Chapter	Section	Statute at Large	43 U.S.Code
11.	March 3, 1891	561	7	26:1098	1165
12.	Revised Statute	2471			1191
	Revised Statute	2472			1192
	Revised Statute	2473			1193
13.	July 14, 1960	P.L.86-649	101-202(a), 203-204(a), 301-303	74:506	1361, 1362, 1363-1383
14.	September 26, 1970	P.L.91-429		84:885	1362a
15.	July 31, 1939	401	1,2	53:1144	

SEC. 505. Repeal of Laws Relating to Rights-of-Way.

(a) The following statutes or parts of statutes are repealed insofar as they apply to National Resource Lands:

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Revised Statutes 2339				661

The following words only: "and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage."

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Revised Statutes 2340				661

The following words only: ", or rights to ditches and reservoirs used in connection with such water rights,".

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Feb. 26, 1897	335		29:599	664
Mar. 3, 1899	427	1	30:1233	665, 958 (16 U.S.C. 525)

The following words only: "that in the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right-of-way for a wagon road, railroad, or other highway over and across any forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby."

Act of	Chapter	Section	Statute at Large	43 U.S.Code
Mar. 3, 1875	152		18:482	934-939
May 14, 1898	299	2-9	30:409	942-1 to 942-9
Feb. 27, 1901	614		31:815	943
June 26, 1906	3548		34:481	944
Mar. 3, 1891	561	18-21	26:1101	946-949
Mar. 4, 1917	184	1	39:1197	
May 28, 1926	409		44:668	
Mar. 1, 1921	93		41:1194	950
Jan. 13, 1897	11		29:484	952-955
Mar 3, 1923	219		42:1437	
Jan. 21, 1895	37		28:635	951, 956, 957
May 14, 1896	179		29:120	
May 11, 1898	292		30:404	
Mar. 4, 1917	184	2	39:1197	
Feb. 15, 1901	372		31:790	959 (16 U.S.C. 79, 522)
Mar. 4, 1911	238		36:1253	961 (16 U.S.C. 5, 420, 523)

Only the last two paragraphs under the subheading "Improvement of the National Forests" under the heading "Forest Service".

May 27, 1952	338		66:95	
May 21, 1896	212		29:127	962-965
Apr. 12, 1910	155		36:296	966-970

(b) Notwithstanding the provisions of subsection (a) of this section, the following statutes are repealed in their entirety:

Act of	Chapter	Section	Statute at Large	U.S.Code
Feb. 25, 1920	85	28	41:449	30 U.S.C. 185
Aug. 21, 1935	599	1*	49:678	

*Only to the extent it amends section 28 of the Act of Feb. 25, 1920, 41 Stat. 449, 30 U.S.C. 185.

Act of	Chapter	Section	Statute at Large	U.S.Code
Aug. 12, 1953	408		67:557	
Revised Statute 2477				43 U.S.C. 932

APPENDIX II

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL RESOURCE LANDS MANAGEMENT ACT OF 1973

A bill to provide for the management, protection, development and sale of the National Resource Lands, and for other purposes.

Section 1. This is a short title provision, which identifies the legislation as "the National Resource Lands Management Act of 1973."

Section 2. Sets forth a Congressional declaration of policy.

Section 3. Defines terms used in the Act.

(a) "Secretary" is defined as the Secretary of the Interior.

(b) "National Resource Lands" includes all lands and interests in lands, e.g. reserved mineral interests, which are administered by the Bureau of Land Management. National Resource Lands include both public domain and acquired lands. The term therefore resolves much of the definitional difficulties that arise in connection with public land legislation.

(c) "Multiple Use." This definition is almost identical to that which appeared in the now-expired Classification and Multiple Use Act, which related to public lands, [1] and to that which presently appears at Section 4 of the Multiple-Use Sustained Yield Act of 1960, which relates to National Forests. [2]

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[1] Act of September 19, 1964, 78 Stat. 988, formerly codified at 43 U.S.C. § 1415.

[2] Act of June 12, 1960, 74 Stat. 215, 16 U.S.C. § 531.

(d) "Sustained Yield." This definition also appears in the statutes cited above.

(e) "Areas of critical environmental concern." This is a new definition so far as the public lands are concerned; however, it is also used in the Administration's proposed "Land Use Policy and Planning Assistance Act of 1973."

Section 4. Authorizes the Secretary to promulgate rules and regulations.

Section 5. Authorizes appropriations to carry out the purposes of the Act.

TITLE I - GENERAL MANAGEMENT AUTHORITY

Section 101. Directs the Secretary to manage the National Resource Lands in accordance with the policy principles set forth in Section 2 of the bill and in accordance with the principles of "multiple use" and "sustained yield."

Directs the Secretary to manage the lands in a manner which will assure payment of fair market value by users of the lands, except as otherwise provided by law. The exception is to provide for use by governmental entities, non-profit corporations, and others, who are authorized by law to use the lands at less than fair market value, including free use. The fair market concept is consonant with the Congressional policy enunciated in the Act of August 31, 1951, 65 Stat. 290, 31 U.S.C. § 483a.

Directs the Secretary to provide maximum opportunities for public participation in decisionmaking.

Directs the Secretary to manage the lands, except as other laws direct him to take specific action, in accordance with applicable land use plans which he prepares pursuant to Section 103 of the bill.

Authorizes the Secretary to issue permits, licenses, leases, or other appropriate instruments, to allow the use of land in situations where not provided for by other laws. The Secretary could not, however, convey out of Federal ownership any land or interest in land under this authorization.

Authorizes the Secretary to require users of land to reclaim it and to require users to post performance bonds assuring such reclamation. Miners and mineral lessees, for example, would be included.

Authorizes the Secretary to place provisions in permits, leases, etc., giving him the right to suspend or revoke them where the holder thereof violates any regulation of the Secretary or law which relates to National Resource Lands, or where the holder violates State or Federal air or water quality standards or implementation plans.

Authorizes the Secretary to develop regulations to protect "areas of critical environmental concern."

Section 102. Directs the Secretary to prepare and maintain a continuing inventory of National Resource Lands and their resources, giving priority to "areas of critical environmental concern."

Section 103. Directs the Secretary to develop land use plans and sets forth criteria for developing such plans.

Section 104. Establishes criteria for disposals of National Resource Lands made "under this Act," i.e., pursuant to Title II or Section 306 of the bill. Since Title V of the bill repeals most of the generally used disposal statutes, future disposals, with a few exceptions, such as under the Color of Title Act [3/] and the Recreation and Public Purposes Act, [4/] would be made "under this Act" and subject to the disposal criteria of Section 104.

Section 105. Requires the Secretary to promulgate regulations setting up procedures for public notice and comment regarding land use plans and programs.

Section 106. Authorizes the Secretary to establish advisory boards.

[3/] Act of December 22, 1928, 45 Stat. 1069, as amended, 43 U.S.C. §§ 1068, 1068a.

[4/] Act of June 14, 1926, 44 Stat. 74, as amended, 43 U.S.C. §§ 869 to 869-4.

TITLE II - SALE AUTHORITY

Section 201. Authorizes the Secretary to sell National Resource Lands in accordance with the disposal criteria in section 104.

Section 202. Authorizes the Secretary to determine the size of tracts to be sold. The bill imposes no acreage limitation. The intent is not to give the Secretary unlimited powers, but to allow him the flexibility to make conveyances which are tailored to appropriate land uses.

Section 203. Provides for sale by competitive bidding as the general rule, but allows for exceptions to assure fair distribution or to recognize equitable considerations or public policies such as to give preference to land users or adjoining owners. All sales under Title II would be at not less than appraised fair market value.

Section 204. Authorizes the Secretary to refuse an offer of purchase until he has actually accepted the offer. However, he would be bound to consummate the sale once he has accepted the offer.

Section 205. Requires the Secretary to reserve the mineral estate in all sales under Title II of the bill unless either of two situations exist. This complies with long-standing Federal policy.

Section 206. Authorizes the Secretary to convey reserved Federal mineral interests to the owner of the surface estate for fair market value in either of two situations. This is to cover situations presently existing, or which may arise hereafter.

Section 207. Authorizes the Secretary to insert provisions in patents issued under Title II of the bill to insure proper land use, environmental integrity and to protect the public interest. Such provisions could include, inter alia, covenants running with the land, conditions precedent or subsequent, reverters and reversions.

TITLE III - MANAGEMENT IMPLEMENTING PROVISIONS

Section 301. Subsection (a) authorizes the Secretary to conduct investigations, studies, and experiments regarding the management, protection, development, and sale of the National Resource Lands. It substantially reenacts section 101 of the Public Land Administration Act. 5/

Subsection (b) authorizes the Secretary to enter into contracts and cooperative agreements involving the management, protection, development and sale of the National Resource Lands. This substantially reenacts section 102 of the Public Land Administration Act. 6/

Subsection (c) authorizes the Secretary to accept contributions of money, services, or property, including acquisition of rights-of-way. This substantially reenacts section 103 of the Public Land Administration Act. 7/

5/ Act of July 14, 1960, 74 Stat. 506, 43 U.S.C. § 1362.

6/ 43 U.S.C. § 1363.

7/ 43 U.S.C. § 1364.

Section 302. Authorizes the Secretary to establish fees and charges and to refund moneys erroneously paid. This is similar to provisions in Title II of the Public Land Administration Act. [8]

Section 303. Provides for establishment of a working capital fund for the Bureau of Land Management. This would be a more stable and flexible source of working capital than is possible through annual appropriations. This proposal is patterned after the Act of August 3, 1956, 70 Stat. 1034 as amended, 16 U.S.C. § 579b, which provides for a working capital fund for the United States Forest Service.

The Working Capital Fund would afford a more efficient method of financing various programs and service operations of the Bureau of Land Management. These programs and operations require a variety of special supplies and equipment which are not readily available when needed and therefore must be purchased in advance, stored and replenished when used. Substantial economies can be achieved if purchases and repairs can be accumulated to take advantage of quantity and seasonal purchasing. The Working Capital Fund would also simplify bookkeeping and contractual arrangements with suppliers, which are complicated when funding is based on annual appropriations not available for obligation beyond the end of the fiscal year.

Three million dollars is authorized to provide initial capital to acquire assets and establish the fund; however, the fund would be self-sustaining thereafter. The administrative costs will be recovered from benefitting activities.

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[8] 43 U.S.C. §§ 1371-1374.

Section 304. Is similar to the provisions of Title III of the Public Land Administration Act. [9] It provides that money forfeited in connection with timber contracts or permits or collected in claims cases shall be used, to the extent necessary, for any rehabilitation work arising from the forfeiture, tort or contract, and that the balance, if any, shall go into a separate account in the Treasury. The section authorizes the Secretary to require users of roads or trails to maintain them and to deposit money for such purposes. It also requires money collected from O and C lands to be expended only for the benefit of O and C lands.

Section 305. Would expand the Act of September 26, 1970, 84 Stat. 805, 43 U.S.C. § 1362a, which authorizes the Secretary of the Interior to enter into renewable contracts for protection of public lands from fire in advance of appropriations, to apply to cadastral survey contracts as well. This Act has proved to be an effective and efficient management tool in the Bureau of Land Management's fire control program. The same circumstances that justified the authority given by the Act of September 26, 1970, exist with regard to airborne cadastral surveying operations.

Helicopters equipped with specialized electronic and optical equipment are essential for this work. These specially equipped aircraft are very expensive and must be piloted by skilled hoversite pilots. If owners of such equipment can look forward to at least two annual contract renewals, they can amortize their costs over a three-year period, reduce the overall cost to the Government, undertake equipment improvements, and provide much better and safer service.

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[9] 43 U.S.C. §§ 1381-1383.

Section 306. Authorizes the Secretary to acquire lands and interests in lands when the public interest will be benefitted thereby. Acquisition may be by purchase, exchange, donation or otherwise. In exchanges, values may be equalized by payments of money. Section 306 replaces Section 8 of the Taylor Grazing Act, 48 Stat. 1272 as amended, 43 U.S.C. § 315g, which is repealed by Title V of the bill. The mandatory State exchange provision of Section 8 of the Taylor Grazing Act is not retained, since it is not consonant with the other provisions of the bill.

Section 307. Gives the Secretary authority to issue patents, deeds and other documents of conveyance, and where necessary, to make corrections of documents issued heretofore or in the future.

Section 308. Gives the Secretary authority to issue disclaimers of interest in land in three specified instances where he finds no Federal interest and where there is a cloud on the title. Under existing law, the Secretary of the Interior has no authority to issue any kind of document showing that the United States has no interest in certain lands.

The disclaimer would have the same legal effect as a quitclaim deed from the United States. It would eliminate the necessity for court action or private relief legislation in those cases where the

United States asserts no ownership or interest and would thus result in a saving of time and money for both the Government and private parties.

Section 309. Prohibits and declares unlawful the use, occupancy and development of National Resource Lands, contrary to regulations or orders issued thereunder.

Section 310. Makes violation of regulations adopted for the purpose of protecting National Resource Lands a misdemeanor punishable by a fine or imprisonment or both, provides for injunctions to prevent such violations, and allows the Secretary to authorize certain employees to make arrests and serve citations for violations of the regulations.

Section 311. Confers on the Secretary of the Interior authority to cooperate with State and local law enforcement agencies in enforcement of State and local laws on National Resource Lands. The Act of August 10, 1971, 85 Stat. 303, 16 U.S.C.§ 551a, gave similar authority to the Secretary of Agriculture with respect to national forest lands.

The ever increasing number of visitors to the National Resource Lands requires a combined Federal and State law enforcement effort in order to adequately protect those lands. As part of a cooperative program, the local law enforcement agencies could be reimbursed for extraordinary services. Normal law enforcement duties will continue to be supplied by State and local personnel on a non-reimbursable basis.

TITLE IV - AUTHORITY TO GRANT RIGHTS-OF-WAY

Section 401. This Section contains definitions of special terminology used in Title IV. (a) "Right-of-way," as defined, has a different meaning than that which it has in common legal parlance, being more than merely a right to cross land. The definition is therefore purely statutory. It is broad in scope since it applies to a broad spectrum of land uses.

(b) "Federal lands," as defined, includes all lands owned by the United States, wherever situated, other than those lands which fall within the five exceptions stated in the definition. The term is therefore broad, encompassing public lands, acquired lands, and lands in withdrawals, reservations and classifications, regardless of which agency administers the lands.

The lands excepted from "Federal lands" are:

(1) Lands in the National Park System. It is not intended to grant rights-of-way through the National Park System under this bill. Separate authority would be sought for each such right-of-way where none now exists. At present, such separate authority exists, for example, with regard to the Blue Ridge Parkway, [10] the C and O Canal, [11] and the Natchez Trace Parkway. [12]

(2) Lands in the National Wildlife Refuge System. There is now separate statutory authority covering inter alia, rights-of-way for pipelines through National Wildlife Refuge System lands. [13] This authority would be left unimpaired by the bill.

(3) Lands on the Outer Continental Shelf. These lands have always been treated separately from other Federally-owned lands because of their

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[10] 16 U.S.C. §§ 460 a-3, 460 a-8.

[11] 16 U.S.C. § 410 y-3.

[12] 16 U.S.C. § 460 a.

[13] 16 U.S.C. § 668 dd(d).

> peculiar physical characteristics and because they are not owned by the United States in its proprietary capacity. There is a statute now in existence authorizing oil and gas pipelines on such lands, and this bill leaves it unaffected. [14]
>
> (4) Lands in the National Wilderness Preservation System. These lands are open to mineral leasing until midnight, December 31, 1983, and pipelines are likewise authorized on the lands at least until that time. [15] Whether pipelines are authorized after that date under present law is not clear. [16]
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> (5) Lands held by the United States in trust for any Indian or Indian tribe, and lands held or owned by any Indian or Indian tribe under a limitation or restriction on alienation requiring the consent of the United States. These lands are excluded because of their special status. Existing law authorizes the Secretary of the Interior to grant rights-of-way for oil or gas pipelines through these lands. This bill does not affect that authority. [17]

(c) The term "holder" means those entities which have received a right-of-way.

Section 402. This Section authorizes the Secretary of the Interior to grant, issue, or renew rights-of-way over, upon, or through any "Federal lands" for oil and gas pipeline purposes. It replaces Section 28 of the Mineral Leasing Act of 1920, which is repealed. The oil that is contemplated is not only crude oil, but also liquid derivatives of crude oil, alone or in combination. Thus, gasoline or kerosine would be included. The term "oil" and "natural gas" are not defined in the bill; it is contemplated that this could better be done by regulation.

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[14] 43 U.S.C. § 1334 (c).

[15] 16 U.S.C. § 1133(d)(2).

The intent of Section 402(a)(1) is to give the Secretary authority to grant rights-of-way which extend to all the structures and improvements that constitute the pipeline. Section 402(a)(2) would allow the right-of-way to extend to those facilities, if any, which are necessary to operate and maintain the pipeline and its appurtenances. For examples, equipment storage and parking areas, line camps, radio stations, fences, etc., would fall into this category. Section 402(a)(3) authorizes incorporation in a right-of-way of access roads, helicopter landing pads, safety zones, and the like, which are adjacent to the pipeline and its appurtenances.

In addition, use of other lands will be necessary in order to construct a pipeline and may also be necessary for operation or maintenance activities. Authorization to use such areas is contained in the third sentence of Sec. 404(a), which is a general provision applying to all rights-of-way issued under Title IV.

Subsection 402(b) requires that pipeline rights-of-way not be granted, issued, or renewed, by the Secretary of the Interior over another agency's land without the prior consent of the head of that agency.

Subsection 402(c) reenacts in similar form the common carrier

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16/ 16 U.S.C. § 1133(d)(4).

17/ 25 U.S.C. §§ 321-328.

provisions of Section 28 of the Mineral Leasing Act of 1920 but specifically applies the common carrier requirements to terminals as well as pipelines.

Subsection 402(d) also reenacts an existing provision of the Mineral Leasing Act of 1920. Its purpose is to make it clear that this legislation provides the sole authority for granting rights-of-way for oil or natural gas pipelines on "Federal lands" as defined in Section 401. In addition, it makes it clear that it is the sole authority under which any such pipeline rights-of-way on "Federal lands" may be renewed, irrespective of whether it was originally authorized by another statute or other authority.

Subsection 402(e) stipulates that the Secretary of the Interior retains all authority that he has under other laws and that he may exercise any or all of that authority to implement or complement the authority conferred upon him by this Section of the bill. He may not, of course, exercise any authority that is expressly repealed by the bill.

Section 403. This Section of the bill authorizes the Secretary of the Interior to grant, issue, or renew rights-of-way for purposes other than oil or natural gas pipelines. While Section 402 affects "Federal lands," Section 403 is limited to National Resource Lands. At present, there is authority in various statutes for the Secretary of the Interior to allow such rights-of-way through lands administered by the Bureau of Land Managment. However, these statutes vary greatly in their provisions regarding duration, width, legal nature of the right-of-way procedures, etc. In many instances there are multiple statutory authorities covering the same subject matter. The result is needless complexity and chaos. The existing statutes listed in Section 505 would be repealed by this bill to the extent they are applicable to National Resource Lands.

Subsection 403(a) relates to facilities and systems for the impoundment, storage, transportation, or distribution of water only.

Subsection 403(b) authorizes rights-of-way for systems transporting or distributing liquids other than oil and gases other than natural gas.

Subsection 403(c) authorizes rights-of-way for systems carrying solid materials by pipeline systems, slurry and emulsion systems, and conveyor belts.

Subsection 403(d) authorizes rights-of-way for the generation, manufacture, transmission or generation of all forms of energy, including electrical power. This provision replaces several statutes,[18] insofar as they relate to lands administered by the Bureau of Land Management. At present, the Federal Power Commission has, in effect, the authority to issue rights-of-way for electrical transmission lines which are primary lines. In order not to affect the authority of the Federal Power Commission, subsection 403(d) contains an exception to the authority conferred on the Secretary of the Interior.

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[18] Principally the Act of February 15, 1901, 71 Stat. 790, 43 U.S.C. § 959, 16 U.S.C. §§ 79, 522; and the Act of March 4, 1911, 36 Stat. 1253 as amended, 43 U.S.C. § 961, 16 U.S.C. §§ 5, 420, 523.

Subsection 403(e) authorizes rights-of-way for communications systems.

Subsection 403(f) authorizes rights-of-way for the various means of transportation. Roads are included in this category and, in that regard, this provision would replace R.S. § 2477, 43 U.S.C. § 932, which has been a cause of much management difficulty. However, the Federal Highway Act, 23 U.S.C. §§ 107, 317, would not be superseded.

It should be noted that this bill is intended to include rights-of-way which serve future needs arising out of existing and future technology advances. Thus, Section 403 is intended to be broad enough to cover rights-of-way for pneumatic tube transportation systems, laser ray communications, magnetic railways, routes for ground-effect vehicles, and any other systems which are not yet in general use.

Section 404. Contains general provisions that are applicable to all rights-of-way covered by this Title. The general intent of section 404(a) is to authorize the Secretary to determine what lands are reasonably necessary for construction, operation, maintenance, and termination of any given project and to tailor the right-of-way to it.

The first two sentences of subsection 404(a) in effect are identical to the provisions of subsections 402(a)(1) and 402(a)(2). The third sentence in subsection 404(a) gives the Secretary authority to allow the use of other lands near or at some distance from the right-of-way in order that the project may be constructed, put into operation, maintained and finally terminated and removed. It is intended that the Secretary will use any mix of leases, licenses, or permits as he finds appropriate for such use. These permissions of use will vary in duration, time of issuance, etc., the objective being to allow the use of lands only to the extent, and for the time, that is reasonably necessary to accomplish the construction and use of the particular project.

Subsection 404(b) provides that the Secretary shall determine the duration of each right-of-way or other authorization, granted, issued, or renewed under Title IV.. He also would have the authority to determine whether a right-of-way shall confer exclusive or non-exclusive use. In many cases, various rights-of-way are compatible with each other and it is desirable to "double-up" where possible. This will help effect the Department's efforts to create corridors for the routing of rights-of-way. Such corridors minimize environmental problems and allow intelligent land-use planning.

Subsection 404(c) authorizes the Secretary to issue regulations, and to impose terms and conditions, regarding extent, duration, application, charge, survey, location, construction, operation, maintenance and termination of rights-of-way.

Subsection 404(d) contains provisions to protect the environment. Each applicant for a right-of-way will be required to draw up and submit to the Secretary a plan of construction, operation, and rehabilitation which conforms with environmental regulations issued by the Secretary. It is intended that the regulations will apply standards that are reasonable, recognizing that most rights-of-way will cause some damage to the environment.

The last sentence of subsection 404(d) provides that the Secretary's environmental regulations shall be applicable to all rights-of-way granted, issued, or renewed pursuant to Title IV of the bill, irrespective of whether the particular right-of-way was granted, issued, or renewed prior to the issuance or revision of the regulations.

Subsection 404(e) provides that a right-of-way holder may not use mineral or vegetative materials from the National Resource Lands without obtaining an authorization under applicable law 19/ to do so. This does not prevent the holder from excavating for construction

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19/ The principal laws are the Act of August 28, 1937, 50 Stat. 874, 43 U.S.C. § 1181a; and the Act of July 31, 1947, 61 Stat. 681, as amended, 30 U.S.C. § 601.

purposes and using or moving earth and non-merchantable vegetation. It merely requires him to purchase mineral materials, such as gravel, and vegetative materials, such as timber, where the sale of such materials is authorized or otherwise required by statute. It allows the holder of the right-of-way to make free use of such materials if he is qualified for free use under the applicable materials disposal law.

Subsection 404(f) requires payment of fair market value for rights-of-way as a general rule, but allows grants of rights-of-way for lesser prices to certain entities. Depending on the circumstances the "lesser charge" may be no charge.

Subsection 404(g) implements the principle that the United States shall be protected from suit or loss with respect to any right-of-way. The bill is drafted to allow flexibility because it is recognized that some right-of-way holders will not be able to so protect the United States. Governmental entities, for example, may not be legally able to give such assurances of protection.

Subsection 404(h) provides for bonds or other securities to secure compliance with the Secretary's requirements. Again, there is flexibility because certain holders may not be legally empowered to post such security, and in other cases requirement of such security may be impossible or unnecessary.

Subsection 404(i) authorizes the Secretary to consider the financial and technical capabilities of applicants before granting rights-of-way. At present, no such guidelines exist.

Section 405. This is a broad provision authorizing the Secretary to make rights-of-way subject to terms and conditions. At present, the Secretary's authority is limited and is not sufficient to meet present-day needs. This section will, of course, be amplified by regulations.

Section 406. Authorizes the Secretary to suspend or terminate a right-of-way where he determines such action to be appropriate. The Secretary is not given unbridled discretion. Termination action will be taken only for cause, as set forth in subsection (b). With regard to suspension, more latitude is required and it is intended that this shall be delineated in the regulations. No termination action, or suspension, shall be taken without an appropriate administrative proceeding. It is intended that such proceeding shall comport, so far as possible, with the requirements of the Administrative Procedures Act. An exception is made with regard to tenancies at will, since they do not give rise to due process problems.

Section 407. Provides for the setting aside of rights-of-way for other Federal agencies. At the present time, there is no clear mechanism for this and a standard procedure is desirable.

Subsection (b) requires the consent of the head of any Federal department or agency, before the Secretary may terminate or limit the Department or agency use of a right-of-way set aside under subsection (a). It is intended that such consent will not be unreasonably withheld and that it will be given except where there is a real need to retain the right-of-way.

Section 408. Covers the various situations that can arise where a tract of land which has a right-of-way on it is conveyed out of Federal ownership. Normally, under common law, the new landowners become the landlord of the lease and assume the position of the prior landlord, in this case, the United States. This presents little or no problems with roads and other small rights-of-way, but power transmission lines, pipelines, and other large projects are vastly different. In such cases, continued Federal ownership or control may be necessary for environmental, national defense, or a multitude of other reasons. Because the cases will vary with the precise situations involved, the bill allows the Secretary to choose the appropriate form of retention or disposal of the right-of-way.

Section 409. Insures that rights-of-way granted under statutes repealed by the act are not affected by such repeal.

TITLE V - CONSTRUCTION OF LAW, PRESERVATION OF VALID EXISTING RIGHTS AND REPEAL OF LAWS.

Section 501. Prevents construction of the Act as affecting Federal water rights or restricting the power and authority of the United States Government, or the police powers of State Governments or subdivisions thereof. The Section also provides that authority conferred on the Secretary by this Act is in addition to other authority and that nothing in the bill shall be construed to repeal any other law by implication. Where an existing statute which is not repealed is equally applicable, it is intended that the Secretary would be able to make a choice of law. However, it is anticipated that the authority of this legislation would be given preference.

Section 502. Preserves valid rights existing on the date of approval of the Act. It is intended that this Section would protect, for example, allowed desert land entries valid on the date of approval of the Act by allowing those entries to be perfected to patent in accordance with the desert land law, notwithstanding the repeal of that law,

Section 503. Repeals laws relating to disposal of National Resource Lands. The following is a description of these laws. Because of the multitute of public land statutes still on the books, it may develop that additional statutes should be repealed. If that occurs, the Department of the Interior would request that this Title be amended accordingly.

1. Homestead Laws

The essence of the homestead laws and amendments thereto consists of conditions of actual settlement, residence on, and cultivation of land embraced in a homestead entry. The homestead law gave a qualified individual, for a nominal fee, the right to enter upon 160 acres of unoccupied public land in any of the public-land States and Territories, the right to live upon the land for a period of years, and, upon proof of compliance with the law, the right to receive a patent thereto.

Homesteading has become almost nonexistent, except in Alaska, because of the scarcity of public lands suitable for agriculture. The possibility of homesteading in Alaska in the future has been virtually precluded by enactment of the Alaska Statehood Act and The Alaska Native Claims Settlement Act, whereunder most of the suitable agricultural land will be appropriated.

Other statutes which are a part of the homestead laws, generally concern the payment of fees and were superseded by the Public Land Administration Act of 1960, 74 Stat. 506, 43 U.S.C. §§ 1361-1383.

Some statutes, presently a part of the homestead laws, allow additional homestead rights for soldiers. All presently outstanding validated soldiers' additional homestead rights must be satisfied by January 1, 1975; such rights will be rendered null and void after that date, as provided by the Act of August 31, 1964, 78 Stat. 751.

The following homestead statutes which would be repealed contain provisions relating to other than strictly homestead matters:

(a) The Act of May 17, 1900, 31 Stat. 179, 43 U.S.C § 179, in addition to giving free homesteads to settlers upon agricultural public lands acquired and open to settlement prior to May 17, 1900, provides that in the event that the annual sales of public lands is not sufficient to meet the payments provided for agricultural colleges and experimental stations, such deficiency shall be paid by the United States. This provision is no longer necessary because present legislation provides for Federal funding of these institutions. See, for example, the Agricultural College Act of 1890, 26 Stat. 417 as amended, 7 U.S.C. § 321 et seq.; The Bankhead Jones Act of 1935, 49 Stat. 436 as amended, 7 U.S.C. § 329 et seq.; and the Hatch Act of 1887, 24 Stat. 440 as amended, 7 U.S.C. § 361a et seq.

(b) The Act of June 13, 1902, 32 Stat. 384 as amended, 43 U.S.C. § 203, extended the homestead laws to lands in the former Ute Indian Reservation in Colorado and forbade forest lieu selections and soldiers' additional homesteads on these lands. Indian title to these lands has since been extinguished and the Indians compensated therefor.

(c) Section 3 of the Act of March 2, 1907, 34 Stat. 1224, 43 U.S.C. § 224(f), authorizes the Secretary to sell isolated tracts in part of Nebraska not exceeding three quarter sections in size. The sale authority in the bill would supersede this law.

2. Desert Land Entries

These statutes authorize the conveyance of desert land which has been developed for agriculture by irrigation in accordance with certain requirements. The bill would repeal the basic desert land law (Act of March 3, 1877, 19 Stat. 377, as amended, 43 U.S.C. §§ 321-339), except for the portion dealing with appropriation of water which is left unchanged in order not to affect existing law.

The desert land law has had practically no applicability in recent years except in Nevada and Idaho. There have been almost no entries in Nevada since 1964 when the State and the Department of the Interior cooperated in a program to protect the State's interest in ground water supplies and to reduce both State and Federal costs of administration. In 1971, 71 entries were allowed in Idaho, 7 in Wyoming, and none in any of the other public land states. This act has been costly to administer with relatively little conveyance of land resulting. The sale authority in the bill would authorize the conveyance of desert lands when one of three criteria of section 104 is met.

3. Sale and Disposal

Chapter 16 of Title 43 of the United States Code provides for the sale and disposal of public lands and would be superseded by the sale authority in the bill.

Section 671 of the chapter provides that no public lands shall be sold at public sale with certain exceptions. Sections 673-676 of chapter 16 pertain to the private sale law. No private sales have been made for many years.

The chapter includes two laws which provide for particular types of disposal. The first is the Act of March 1, 1907, 34 Stat. 1052, 43 U.S.C. § 682, which provides for the sale of public lands for cemetery purposes. The Act provides for reversion should the land be used for any other purpose. The second is the Act of June 1, 1938, 52 Stat. 609 as amended, 43 U.S.C. §§ 682a to 682e, commonly referred to as the Small Tract Act, which provides for the sale or lease of up to 5 acres of public land for residential, commercial, recreational, or community site purposes. Neither of these Acts is used frequently today. The Recreation and Public Purposes Act, 44 Stat. 741 as amended, 43 U.S.C. §§ 869 to 869-4, authorizes sales for most of these purposes and the sale authority in the bill would permit sales for all of these purposes in accordance with the disposal criteria in Section 104.

The rest of the chapter is composed essentially of Sections dealing with prices for lands (§§ 678-679, 681), refunds (§§ 689-690), mistakes as to entries and patents (§§ 693-694), and collusive agreements involving public sales (§§ 696, 698-699).

The Sections setting certain prices, such as $1.25 per acre, are archaic. The Sections dealing with mistakes would be replaced by Section 307 of the bill, which authorizes the Secretary to correct mistakes in patents, and the Sections dealing with refunds could be handled by regulation. The old system for disposing of public land often invited or encouraged speculation and collusion. The bill with its strict criteria for disposals, and policy of fair market value, should eliminate speculation and collusion.

Section 700 of the Chapter excludes all lands from private entry except lands in Missouri. This section is no longer necessary since there are no lands in Missouri suitable for private entry.

4. Town Site Reservation and Sale

This category includes laws for the disposal of lands for town site purposes.

Modern urban development requires better planning than the town-site laws which provide for haphazard location and establishment of cities or towns with obsolete provisions for size of towns, town-lots, etc. There has been practically no use of these laws outside of Alaska for many years. The bill would allow for transfer of lands for the same purposes as the townsite laws, but with more adequate provision for land use planning, protection of the public interest, the environment, etc.

5. Drainage under State law

These laws make public lands in Minnesota (43 U.SC. §§ 1021-1027) and Arkansas (43 U.S.C. §§ 1041-1048) subject to State drainage laws.

There are no public lands left in Arkansas to which these laws could apply. The Act of May 1, 1958, 72 Stat. 99, 43 U.S.C. §§ 1029-1034 had the effect of terminating the applicability of 43 U.S.C. §§ 1021-1027, pertaining to public lands in Minnesota. The Act of May 1, 1958, would also be repealed by the bill.

6. Abandoned Military Reservations

This category includes various laws relating to disposition of "abandoned military reservations". The basic law was passed in 1884 and dealt primarily with frontier forts and military reservations. Legislation during and after World War II, including the Federal Property and Administrative Services Act of 1949, 63 Stat. 378, 40 U.S.C. § 471 *et seq.*, has superseded this legislation.

7. Public Lands in Oklahoma

The public land laws were extended to Oklahoma with variations designed for special conditions and situations existing there.

Repeal of these special laws concerning Oklahoma would have no real effect. Most of the 7,300 acres of public domain lands remaining in Oklahoma already have claims against them and are thus encumbered. The bill would apply to any natural resource lands that may remain in the State.

8. Sales of Isolated Tracts

Revised Statute 2455 (43 U.S.C. 1171) provides for the sale at public auction, of isolated tracts, or tracts which are mountainous or too rough for cultivation. 43 U.S.C. §§ 1171a-1177 extend the provisions of § 1171 to lands in Oklahoma, coal lands in Alabama, ceded Chippewa Indian lands in Minnesota, ceded Fort Berthold Indian lands in North Dakota; the abandoned Fort Buford Military Reservation in Montana; and ceded Fort Hall Indian lands and Crow Indian lands in Montana.

The Act of June 18, 1934, 48 Stat. 984 as amended, 25 U.S.C. § 463, provided for the restoration to tribal ownership of remaining surplus lands on Indian reservations which had been open to sale. All ceded Indian lands which were undisposed of at that time, have been restored to Tribal ownership. The Fort Buford lands have been sold. Coal lands in Alabama and all other lands subject to R.S. 2455 would be subject to the disposal authority provided by the bill.

R. S. 2455 contains an absolute preference right for adjacent owners. This has sometimes created problems in the disposition of isolated or disconnected tracts. The bill would allow the Secretary to give a preference right under certain circumstances, to assure fair distribution among purchasers or to recognize equitable considerations or public policies.

9. Alaska Special Laws

The following statutes which would be repealed provide for the disposition of public lands in Alaska, and are only applicable to Alaska:

a. Alaska Townsite Laws (The Act of March 3, 1891, 26 Stat. 1099, 43 U.S.C. § 732; and the Act of May 25, 1926, 44 Stat. 629, 43 U.S.C. §§ 733-736). They provide for trustee townsites in Alaska. The Alaska Native Claims Settlement Act granted to the Natives the lands in "Native villages," rendering the townsite laws obsolete with respect to Natives. The comments appearing above with regard to townsites generally are applicable here (See par. 4 page 28).

b. Alaska Public Sale Act, 63 Stat. 679, 43 U.S.C. § 687b to 687b-4. It provides for the sale of public land in Alaska not exceeding 160 acres, suitable for industrial or commercial purposes, including housing. This Act would be rendered obsolete by the sale authority in the bill

c. Trade and Manufacturing Site Act, 30 Stat. 413 as amended, 43 U.S.C. § 687a. It provides for the disposition of 80 acres to any one person for use as a trade and manufacturing site. This Act would also be rendered obsolete by the sale authority in the bill.

d. Headquarters Site Act, 30 Stat. 413 as amended, 43 U.S.C. § 687a. It provides for the disposition of 5 or less acres of public lands by sale for use as a homestead or headquarter site. The sale authority of the bill would also render this Act obsolete.

The Alaska Statehood Act and Alaska Native Claims Settlement Act provide for the selection of 104 million acres and 40 million acres of public lands in Alaska, respectively. It is expected that most of the public lands suitable for development will be selected under one or the other of those Acts.

10. Pittman Act Extensions of Time

This law (The Act of Sept. 22, 1922, 42 Stat. 1012, 43 U.S.C. § 356) gives the Secretary of the Interior authority to grant a two-year extension of time for developing underground waters in Nevada under permit issued pursuant to the Pittman Act. The Pittman Act itself was repealed by the Act of August 11, 1964, 78 Stat. 389. There are no longer any permits outstanding under the repealed Pittman Act and therefore there is no longer any need for this section authorizing extensions of Pittman Act permits.

11. Indian Allotments

These laws (The Act of Feb. 8, 1887, § 4, 24 Stat. 389 as amended, 25 U.S.C. § 334; and the Act of Feb. 28, 1891, § 4, 26 Stat. 794 as amended, 25 U.S.C. § 336) provide for allotments of lands outside reservations to Indians. They were enacted at a time when Indians were not eligible to acquire land under the general public land laws.

There have been very few Indian allotments under these laws in recent years since little land remains that is suitable for allotment; however, transfers would continue to be authorized under the sale authority in the bill. Repeal of the allotment laws would terminate the periodic organized promotions to secure allotments, none of which have resulted in allotments.

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Section 504. Repeals laws relating to the administration of National Resource Lands as follows:

(1) The Act of March 2, 1895, 28 Stat. 744, 43 U.S.C. § 176, provides for appointment of court commissioners for certain Territories. Since the Territories have become States, these sections are obsolete.

(2) Section 8 of the Taylor Grazing Act, 48 Stat. 1272 as amended, 43 U.S.C. § 315g, authorizes the Secretary to accept donations of lands, authorizes him to exchange certain Federal land for private lands of the same value, and directs him upon application of a State to exchange certain Federal lands for State-owned lands of equal acreage or of equal value. Section 306 of the bill provides comprehensive authority to acquire land by exchange, purchase or donation. It would allow for acquisition of any non-Federal land by exchange and, unlike Section 8 of the Taylor Grazing Act, would allow for the values of lands exchanged to be equalized by payment of money. The mandatory State exchange provision of section 8 of the Taylor Grazing Act is not retained since it is inconsistent with the disposal criteria in section 104 of the bill.

The Act of July 9, 1962, 76 Stat. 140, 43 U.S.C. § 315g-1, states that lands acquired under Section 8 of the Taylor Grazing Act which are within a National Forest may be administered by the Secretary of Agriculture. Section 306(c) of the bill allows any lands acquired by exchange which are within a national forest to be transferred to the Secretary of Agriculture.

(3) The Act of August 24, 1937, 50 Stat. 748, 43 U.S.C. § 315p, authorizes the Secretary of the Interior in exchanging lands with

States under section 8 of the Taylor Grazing Act, to issue patents to States for certain lands on which leases have been issued, provided that such patents will be subject to those outstanding leases. Section 306 of the bill is intended to preserve the authority to make exchanges subject to outstanding leases.

(4) The second proviso of the Act of March 3, 1909, 35 Stat. 845 as amended, 43 U.S.C. § 772, limits the amount of appropriations for surveys which may be spent on resurveys. The second proviso originally limited to 5% the amount of the total annual appropriation for surveys and retracements. Joint Resolution No. 40, June 25, 1910, 36 Stat. 884, 43 U.S.C. § 772, increased the limitation to 20%. However, 20% is not sufficient to meet today's requirements. Outside of Alaska, there is a much greater need for resurveys than for surveys. Prior to 1910, natural objects such as rocks or sticks were used as survey monuments. Many of these objects have decayed or have been moved. Most remaining unsurveyed areas, outside Alaska, are large blocks which may never need to be surveyed. Each year the provisions of this Act have been superseded by appropriation acts to allow for resurveys.

(5) The Act of June 21, 1934, 48 Stat. 1185, 43 U.S.C. § 871a, provides for issuance of patents to States for school lands in accordance with the laws authorizing such grants, 43 U.S.C. §§ 870, 871. Section 307 of the bill replaces this Act by authorizing the Secretary to issue patents in accordance with his authority to dispose of National Resource Lands.

(6) (a) R.S. 2447, 43 U.S.C. § 1151, gives the Secretary discretionary authority to issue patents for claims confirmed by law prior to December 1854. This authority will be continued by section 307 of the bill. (b) R.S. 2448, 43 U.S.C. § 1152, provides for normal succession in cases where a person entitled to a patent dies before its issuance. Section 307 of the bill is intended to authorize the Secretary to issue a patent in the name of the claimant or his heirs.

(7) The Act of June 6, 1874, 18 Stat. 62, 43 U.S.C. §§ 1153-1154, provides that title to land in Missouri confirmed prior to June 1874 by persons acting under authority of an Act of Congress shall have the same status as patented land and provides for the discontinuance of the office of recorder of land titles in Missouri. The effect of this Act has already been achieved.

(8) The Act of January 28, 1879, 20 Stat. 274, 43 U.S.C. § 1155, provides for issuance of certificates of location of private land claims in the States of Florida, Louisiana, and Missouri, if the validity of the claim has been recognized by decree of the Supreme Court. The issuance of certificates was completed many years ago. The satisfaction of remaining issued certificates was provided for by the Act of August 31, 1964, 78 Stat. 751.

(9) The Act of May 30, 1894, 28 Stat. 84 as amended, 43 U.S.C. § 1156, authorizes the Secretary of the Interior to issue patents for certain locations under certificates made prior to January

1879. This Act would be superseded by Section 307 of the bill which authorizes the Secretary to issue patents in accordance with his authority to dispose of National Resource Lands.

(10) R.S. 2450, 2451, 2456, and 2457 as amended, 43 U.S.C. §§ 1161-1164, authorize the Secretary of the Interior to decide cases of suspended entries of public lands and suspended pre-emption land claims upon principles of equity and justice, and authorize the Secretary, upon cancellation of an outstanding patent issued on entries approved by him, to issue a new patent to the person making the entry or his heirs. These sections apply to all cases of suspended entries and locations which have arisen since 1856 where there has been substantial compliance with the law. Since the pre-emption law was repealed many years ago and this bill would repeal the desert land statutes, this law is obsolete.

(11) Section 7 of the Act of March 3, 1891, 26 Stat. 1098, 43 U.S.C. § 1165, authorizes the Secretary of the Interior to suspend entries for purposes of correction of clerical errors. Since there would be no entries under the bill, this statute would be obsolete. However, the statute will continue to apply to valid rights existing on the date of approval of the bill.

(12) R.S. 2471 - 2473, 43 U.S.C. §§ 1191-1193, establish criminal penalties for false making or altering of instruments concerning lands, mines, or minerals, in California; false dating of evidence of title under Mexican authority to lands in California; and presenting false or counterfeited evidences of title to lands in California. These statutes have been superseded by the Act of June 25, 1948, 62 Stat. 749, 18 U.S.C. § 1001.

(13) The Public Land Administration Act, 74 Stat. 506, 43 U.S.C. §§ 1361, 1362, 1363-1383, authorizes the Secretary to conduct investigations and to enter into cooperative agreements involving improvement, management, use, and protection of public lands. It authorizes him to accept donations of money, services, and property for specified purposes, to establish fees relating to furnishing of documents, to refund excess payments relating to disposition of lands, and to require maintenance of roads and trails. The Act also provides for disposition of certain monies. This Act would be substantially reenacted by Sections 301, 302, and 304 of the bill.

Provisions of the Public Land Administration Act which would not be reenacted are explained below:

(a) Section 2 of the Public Land Administration Act (43 U.S.C. §1361) defines "public lands" as all Federal lands administered by the Bureau of Land Management. Those lands are identified in the bill as National Resource Lands.

(b) Part of Section 102 (43 U.S.C.§1363) limits the authority granted by that section to make cooperative agreements to the making of only such agreements which are neither expressly authorized nor prohibited by other provisions of law. Section 301(b) of the bill grants general authority to enter into cooperative agreements which is necessary for proper administration of the national resource lands. We know of no law expressly prohibiting the making of cooperative agreements.

(c) Part of Section 103 (43 U.S.C.§1364(b)) provides that the authority in Section 103 to accept contribution or donations does not limit or repeal any other such authority. This provision is unnecessary because the bill, in section 502, explicitly provides that it does not repeal by implication any authority granted the Secretary by law. However, Section 8 of the Taylor Grazing Act (43 U.S.C.§315g) which contains, among other things, authority to accept contributions, would be repealed by Section 504(2) of the bill and would be replaced by Section 302(c).

(d) Part of Section 201 (43 U.S.C.§1371) requires publication in the Federal Register of notice of intention to establish or change filing fees, service fees, etc. with respect to applications and documents regarding the public lands. This section is unnecessary since the Bureau of Land Management as a matter of policy establishes and changes fees in accordance with the Administrative Procedure Act, 80 Stat. 383 as amended, 5 U.S.C.§553.

(e) Section 202(a) (43 U.S.C.§1372) provides that all fees, charges and commissions prescribed by then existing law or regulation shall remain in effect until changed or abolished. This provision is obsolete since such fees, etc., have been changed or abolished and were published in the Federal Register, p. 5712, June 15, 1962.

(f) Section 203 (43 U.S.C. § 1373) provides that nothing in the Public Land Administration Act shall affect the provisions of 43 U.S.C. § 1460 pertaining to price of records furnished by the Department of the Interior. 43 U.S.C. § 1460 prescribes a charge for furnishing copies of records in the custody of the Secretary. Elimination of section 203 would make 43 U.S.C. § 1460 inapplicable to the furnishing of copies of records which pertain to National Resource Lands. Section 302(a) of the bill would authorize the charging of reasonable fees for services.

(14) The Act of September 26, 1970, 84 Stat. 885, 43 U.S.C. § 1362a, authorizes the Secretary to enter into contracts (twice renewable without additional competition) for use of aircraft, supplies and services for fire protection operations. This Act would be reenacted by Section 305 of the bill.

(15) The Act of July 31, 1939, §§ 1-2, 53 Stat. 1144, ch. 401, authorizes the Secretary of the Interior in administering the revised Oregon and California Railroad and reconveyed Coos Bay Wagon Road

grant lands, to exchange such lands for lands of equal value, in State, county, or private ownership, which are within or contiguous to former limits of the grants. Section 306 of the bill would provide more comprehensive exchange authority which would be applicable to these lands.

Section 505. Repeals right-of-way laws which are obsolete or superseded by the bill. Unless otherwise stated, the following Acts summarized would be repealed only insofar as they apply to national resource land and would be superseded by enactment of the bill.

Roads and Highways

1. Section 1 of the Act of March 3, 1899, 43 U.S.C. § 665 repeated at 43 U.S.C. § 958 grants the Secretary authority to file and approve surveys and plats of rights-of-way for wagon roads, railroads, and other highways across forest reservations and reservoir sites if public interests would not be injuriously affected thereby.

2. Section 2477 of the Revised Statutes, 43 U.S.C. § 932, makes an in praesenti grant to unspecified grantees of a right-of-way for construction of highways over public lands, not reserved for public uses. R.S. 2477 is repealed in its entirety.

Railroads

1. Sections 1, 2 and 4-6 of the Act of March 3, 1875, 43 U.S.C. §§ 934, 935, 937-939, grant rights-of-way through public lands to railroad companies and provide procedures for obtaining such rights-of-way.

2. Sections 2-9 of the Act of May 14, 1898, 43 U.S.C. §§ 942-1 through 942-9, grant a right-of-way through lands in Alaska to railroad companies and provide procedures for obtaining such rights-of-way. In addition, they authorize the Secretary to grant rights-of-way through such lands for construction of wagon roads and tramways.

3. The Act of February 27, 1901, 43 U.S.C. § 943, declares that water reserve lands in Minnesota are subject to railroad rights-of-way under the Act of March 3, 1875, 43 Stat. §§ 934-939.

4. The Act of June 26, 1906, 43 U.S.C. § 944 recognizes rights-of-way granted for railroads in former Territories of Oklahoma and Arizona and provides for disposition of lands subject to such rights-of-way.

Ditches, Canals, and Reservoirs

1. R.S. 2339 and R.S. 2340, 43 U.S.C. § 661. Only those portions are repealed which grant a right-of-way for construction of ditches and canals for "mining, agricultural, manufacturing or other purposes" where water rights have vested and are duly recognized and which provide that all patents and entries shall be subject to such rights to ditches and reservoirs used in connection with such water rights. The water rights provisions are preserved.

2. Sections 18-21 of the Act of March 3, 1891 as amended, 43 U.S.C. §§ 946-949, makes an _in praesenti_ general rights-of-way

through public lands and reservations to canal ditch companies, or irrigation or drainage districts for irrigation and drainage, and sets forth conditions and restrictions thereon.

3. The Act of February 26, 1897, 43 U.S.C. § 664 opens reservoir sites to use and occupancy under Sections 18-21 of the Act of March 3, 1891, 43 U.S.C. §§ 946-949.

4. The Act of March 1, 1921, 43 U.S.C. § 950, extends rights granted under the Sections 18-21 of the Act of March 3, 1891, as amended, 43 U.S.C. §§ 946-949, by authorizing the Secretary to grant permits or easements for dwellings or other buildings or corrals to be used in connection with facilities provided for by the 1891 Act.

5. Section 2 of the Act of May 11, 1898 as amended, 43 U.S.C. § 951, permits use of ditches, canals, or reservoirs constructed under the Act of March 3, 1891 as amended, 43 U.S.C. §§ 946-949, for purposes of a public nature and permits use of such rights-of-way for water transportation, domestic purposes and development of power.

6. The Act of January 13, 1897 as amended, 43 U.S.C. §§ 952-955, permits persons and companies who are in the livestock business to construct reservoirs on unoccupied public lands, grants such persons control of such reservoirs subject to the regulations of the Secretary, and provides procedures by which persons may obtain these benefits.

7. The Act of January 21, 1895 as amended, 43 U.S.C. § 956, authorizes the Secretary of the Interior to grant

rights-of-way through public lands (not within national forests, national parks, military reservations, or Indian reservations) for tramroads, canals, or reservoirs to persons engaged in mining, quarrying, timber cutting, or for furnishing water.

Power and Communications Facilities

1. Section 2 of the Act of January 21, 1895, as added by the Act of May 14, 1896, 29 Stat. 120, 43 U.S.C. § 957, authorizes the Secretary to grant rights-of-way on the public lands and national forests for purposes of generation, manufacture, and distribution of electric power.

2. The Act of February 15, 1901, 43 U.S.C. § 959, 16 U.S.C. 79, § 522, authorizes the Secretary of the Interior and the Secretary of Agriculture to permit use of rights-of-way through public lands, forests and other reservations for electrical plants, poles and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes, pipelines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation, mining or quarrying or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or other beneficial uses.

3. The Act of March 4, 1911 as amended, 43 U.S.C. § 961, authorizes respective department heads to grant easements for rights-of-way, not exceeding 50 years, upon the public lands and

reservations for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay and recessing structures and facilities.

Oil and Gas Pipelines

1. The Act of May 21, 1896, 43 U.S.C. §§ 962-965, authorized rights-of-way through public lands in Colorado and Wyoming (except Yellowstone National Park) to any pipeline company formed to transport crude or refined oil, prescribes limitations thereon, and provides procedures for obtaining the benefits of the Act. This was impliedly repealed by Section 28 of the Mineral Leasing Act, 30 U.S.C. § 185.

2. The Act of April 12, 1910, 43 U.S.C. §§ 966-970, granted rights-of-way through the public lands in Arkansas for transport of oil or natural gas, prescribed limitations thereon, and provided procedures for obtaining the benefits of the Act. This act was also impliedly repealed by Section 28 of the Mineral Leasing Act, 30 U.S.C. § 185.

3. Section 28 of the Act of February 25, 1920 as amended, 30 U.S.C. § 185, authorizes the Secretary of the Interior to grant rights-of-way through the public lands, including the forest reserves of the United States for oil and gas pipelines, subject to certain conditions; requires that such pipelines be maintained as common carriers; requires acceptance and conveyance of Government oil and

oil produced from lands leased under the Mineral Leasing Act; provides for forfeiture through court proceedings of the right-of-way for failure to comply with this section or regulations or conditions prescribed by the Secretary. This statute is repealed in its entirety by the proposal and is substantially reenacted by Section 402.

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